

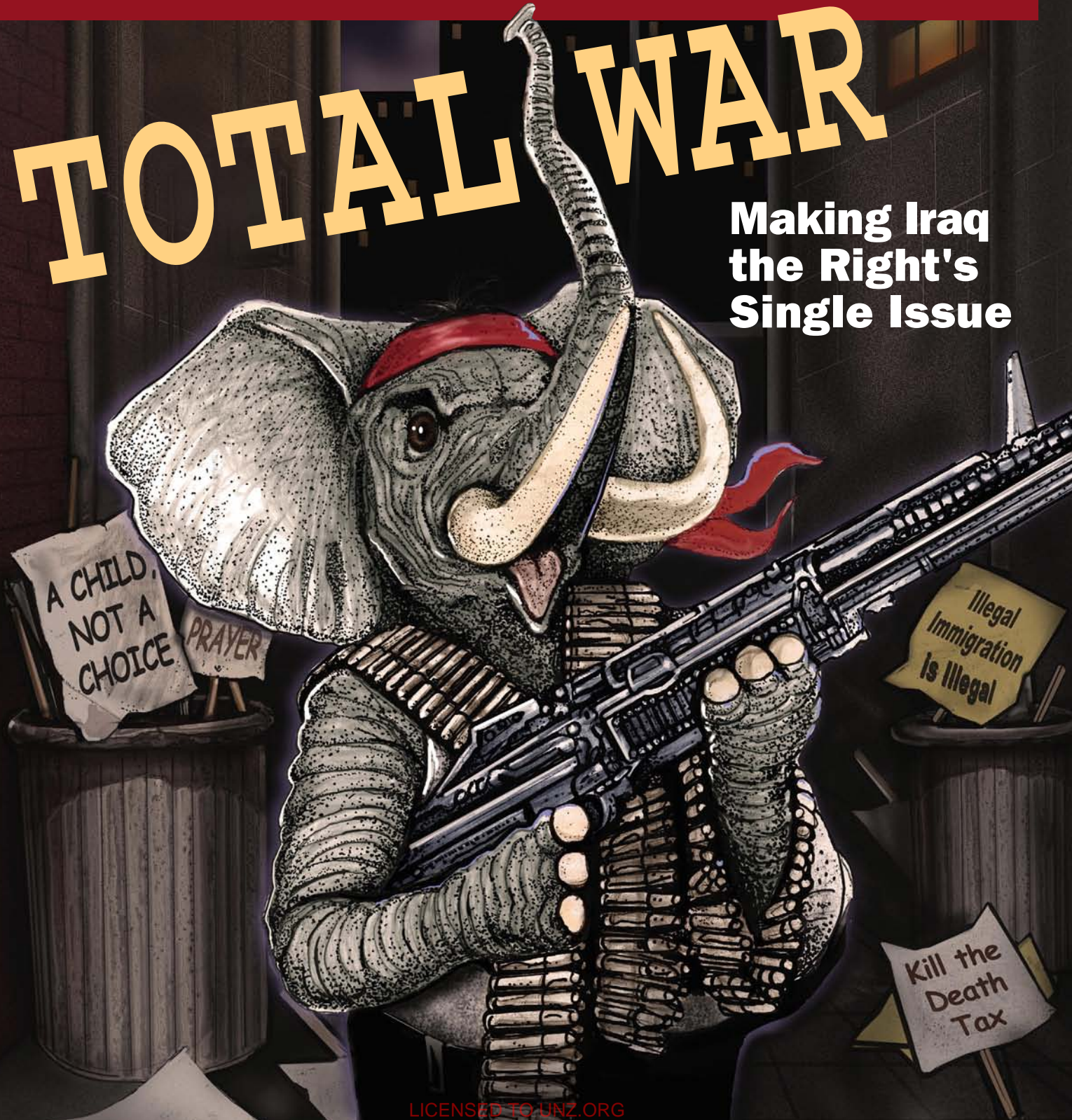
DE GAULLE, THE MODEL ■ RADIO FREE SPEECH ■ ATTACK POODLE

APRIL 23, 2007

The American Conservative

TOTAL WAR

**Making Iraq
the Right's
Single Issue**



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BAUER'S NO BUSHIE

If *24* is a favorite show of the neocons ("What Would Jack Bauer Do?" March 12), one can only wonder why. While the nuclear bomb that detonated in California on the show is undoubtedly a neocon dream, the show seems less than complimentary to the executive branch, which they currently occupy. Last year featured a buffoonish president who committed criminal acts in order to ensure the flow of oil. This year features a heartless vice president who wants to attack an Islamic country, even though he knows it was not responsible for the terrorist attack.

Art imitating life? While *24*'s co-creator Joel Surnow may consider himself a "right-wing nut job," I'm not sure he's of the neocon variety. And I don't think it's a coincidence that one of the show's good guys is named Buchanan.

JIM HANNIFF
Bethesda, Md.

RELIABLE NARRATOR

I just finished reading the short article "Band of Brothers" in your March 26 issue and wanted you to know that this is one of the best articles I have read in a long time. I am an Iraq veteran who served in 2003 and 2004, and my brother is currently serving with the 1st Cavalry Division in Iraq.

This was a surprising article, devoid of any politics or bias, that really hit home. Thank you for printing it and thank you Mr. Nusbaumer for such an emotionally stirring and all around excellent piece.

With great admiration,
DANIEL KELLY RAINEY
via e-mail

DON'T ROUSE THE BEAR

Anatol Lieven's "To Russia with Realism" (March 26) is the most lucid and important article that I have read on this subject. The myopia of Congress, given the stakes involved, is almost Orwellian. And what is the administration doing?

Do they realize that they are planting seeds that will haunt us for decades? When threatened, Russians do not wither on the vine. On the contrary, an outside catalyst has always inspired Russians to rise above their plight and act aggressively in their country's defense. Why should today be otherwise? Why accept repeated slaps to the face?

History has given an opportunity for extended co-operation. Squandering it is a crime against all of us.

JOHN SOKOLOFF
via e-mail

IT'S CALLED THE EU

Anatol Lieven's piece seemed a little too nonchalant about Russia's dangerous slide back into its brutish old ways. This is something we should not take lightly.

Now as to how to lighten the tensions between the U.S. and Russia (be it progressive or backsliding), there is a potential course that would meet with Solomon's approval. To make both nations comfortable over the issue of the great buffer mass called Europe, let us meld together NATO and the Warsaw Pact, minus the two superpowers. A separate military entity encompassing all of Europe from France to the Ukraine, beholden to neither Washington or Moscow, would be the best compromise. Such a European defense pact would certainly have enough manpower and military industrial muscle to pack a credible punch. And for goodness sakes, there are all those French and British nukes.

Surely someone must have suggested it before, and sadly the idea has been neglected. Let America and Russia woo and bargain with an independent Europe, not fight to dominate it—truly a system of checks and balances that would be benign and beneficial.

J. WROBLEWSKI
British Columbia, Canada

RIDE WITH RON PAUL

In covering the CPAC convention, Michael Brendan Dougherty ("Audi-

tioning Reagans," March 26) characterized Congressman Ron Paul's speech as calling for "revolution." In a way this may be true, but it's a pretty sad day when bedrock American principles rooted in the founding fathers and their speeches and writings are labeled "revolutionary" by a conservative magazine. Perhaps being "conservative" actually does mean being wedded to the status quo no matter how lousy. But if there are "conservatives" who can see the damage the current U.S. warfare/welfare state is doing to people all over the world, then they should be supporting Paul's "revolution."

JAMES MOSHER
Baltimore, Md.

THOUGHT EXPERIMENT

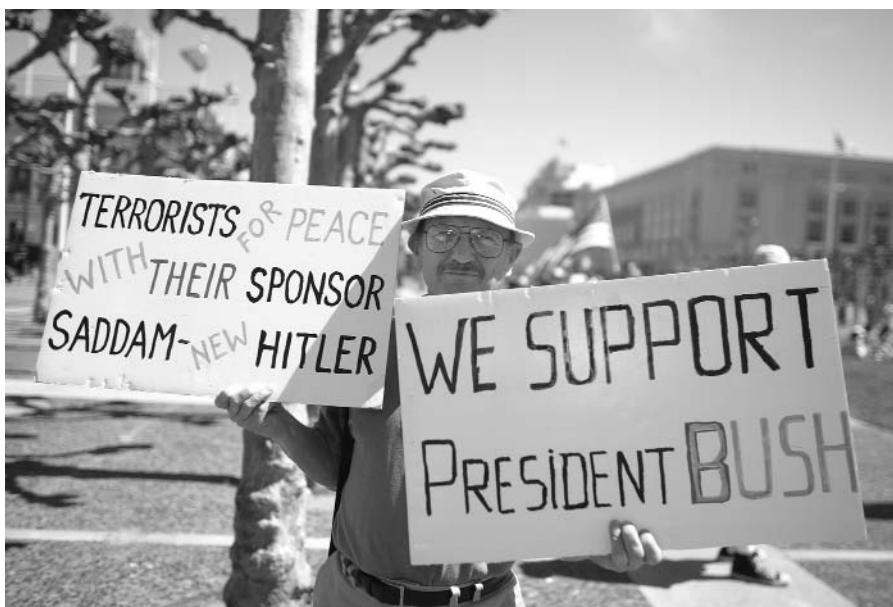
I must be an odd (but perhaps not unique) subscriber: an increasingly left-liberal reader who's sometimes perplexed by some of your writers' thoughts and positions. But I've been a subscriber since early fall of 2004 and find much to appreciate about your editorial criticism of the Cheney-Bush administration's arrogance in words, deeds, and policies. I also share your general views on the folly of America's invasion and occupation of Iraq—the lives lost and damaged, military and civilian, American and Iraqi, not to mention all the treasure squandered.

Even when I disagree with some of your writers' ideas, I'm often inspired to consider their points of view, a thing for which I take only limited credit.

Thank you for publishing a magazine that still allows a dissenter to feel welcome. Please continue my subscription for another year.

DAN TREECRAFT
Spokane, Wash.

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[WAR]

POTEMKIN PILGRIM

We're not sure where John McCain really visited. The presidential hopeful described neighborhoods "you and I could walk through," and his fellow traveler, Congressman Mike Pence, found a bazaar "like a normal outdoor market in Indiana in the summertime." They claim to have been in Iraq. Perhaps being surrounded by 100 soldiers in armored humvees obscured their view.

Sen. Lindsey Graham apparently went for the shopping—"I bought five rugs for five bucks!"—but for McCain, the stakes are higher. He has wagered his White House hopes on the Iraq War, and with his poll numbers (and fundraising) going the way of President Bush's approval ratings, the senator was eager to prove progress.

"Never have I been able to drive from the airport, never I have I been able to go out in the city as I was today," McCain enthused. He neglected to mention that the seven-mile trip from the airport to downtown Baghdad costs a daring civilian \$3500-5000 and that sharpshooters posted on rooftops tracked his trip to the Shorja market.

Once McCain's delegation—and its security detail—left, carnage struck back. The following day, 21 Shia market workers were murdered. So much for Indiana in the summertime. Blogger Juan Cole remarked, "Yeah, those Indianans are hard core. Why, they'll kidnap a couple dozen Methodists at the outdoor market, blindfold them, drill holes in them, expose them to acid, and dump them on Main Street just before dawn to get a rise out of the police patrolmen when they show up for coffee and donuts."

Bush's former chief strategist, Matthew Dowd, made news last week when he called the president "bubbled in." Now the Republican who once led the list of replacements looks equally delusional.



DARYL CAGLE WWW.CAGLECARICATURES.COM

[POLITICS]

INDEPENDENCE DAY?

Chuck Hagel's vote in favor of a timetable for ending the Iraq occupation may have clarified his own future as well. Three weeks after the strange non-announcement regarding his presidential plans, the Nebraska senator was one of just two Republicans who crossed party lines to vote for the Democratic bill to withdraw combat troops by next March. *Hotline* commented, "One thing seems certain: Hagel's no longer planning a WH '08 bid, at least not as a GOPer. (Or, alternatively, not one he plans to win.)"

Those running the campaigns of his would-be competitors seem to agree. At a Harvard forum, senior advisers to John McCain, Rudy Giuliani, and Mitt Romney concurred that the war would define the upcoming campaign—and while the Republican base might tolerate criticism of the war's management, it still supports the Bush Doctrine. But their theory won't be tested if conservatives aren't offered an antiwar alternative, and polls show that six in ten Republicans are dissatisfied with their current choices.

Hagel's vote—decisive in the 50-48 tally—forces a collision by daring the president to defund his own war; delivering on his veto threat will require Bush to strike \$122 billion in troop funding. It also distinguishes Hagel as the kind of principled realist the coun-

try most needs. Republican primary voters may be the least likely to recognize that, but the debate would be better for his dissent.

[IMMIGRATION]

"YOUTHS" OF PARIS

It was not long ago—less than a generation—that an American in Paris could wax envious about the safety of the streets in comparison to those of New York or D.C. Reading about the latest riot in the Gare du Nord—not in Paris's slum-like suburbs but in a major train station less than a mile from the city center—is a grim reminder of the crisis the City of Light now faces.

One evening in late March, a 32-year-old illegal alien from the Congo tried to jump the turnstiles of the metro. He had a criminal record and had been resisting French government efforts to deport him. Faced with yet another arrest, he resisted. Within moments, the metro's ticket agents were surrounded by hundreds of what the French papers euphemistically call "youths"—Africans and North Africans for the most part. The "youths" wielded metal bars, smashed windows, looted stores, and wounded eight transit workers and a police officer. Order was eventually restored, but all of Paris must wonder if the day will come when the police are no longer capable to doing their job.

It is a sign of French health that its mainstream politicians are finally addressing the vexing issues of national identity and immigration as the country finds that its old formulas of immigrant assimilation are no longer working. We are too removed to suggest solutions but not too far away to register our hope that France recovers herself before it's too late.

[JUSTICE]

THE TELLTALE FRAME

Big pharmaceutical companies are seldom beloved, and the Vioxx cases filed against Merck—which promise to pay off the mortgages of hundreds of lawyers and seriously enrich quite a few—haven't exercised us.

But we couldn't help noticing that Merck might have had a point when it argued that its arthritis painkiller wasn't obviously responsible for the heart attack of 52-year-old Patty Schwaller, whose husband sued the company. Though the suit was brought in Madison County, Illinois, famous among trial lawyers for awarding big payoffs, jurors quickly decided that Schwaller's heart had other major burdens—her 5'2" frame carried 280 pounds.

The plaintiff's attorney responded to the defeat by claiming that "Goliath bested David." Given the facts of the case, perhaps that wasn't the best analogy.

[ELECTION]

ANOTHER NATIONAL DEBT?

If the first tallies are any indication, 2008 will be the most expensive presidential election yet. Hillary Clinton leads the Democratic pack, raking in \$26 million during the first three months of the year. Republican Mitt Romney boasts \$23 million in receipts, and Rudy Giuliani raised \$10 million in March alone.

A generation ago, an unknown Jimmy Carter showed up in Iowa toting his own garment bag. But the age of the upstart

has now yielded to poll-tested, precision-scripted media stars surrounded by legions of pricey consultants. Quarterly fundraising reports become their own caucus system, conferring an aura of inevitability on the money men's bet.

But what do the trial lawyers who send checks to the Edwards campaign or the Mormons rumored to be ponying up for Mitt expect in return for their support? And what about the corporations that can't vote on Election Day but can buy more access than most citizens? The next president will begin his (or her) term with a longer list of outstanding favors than any previous occupant of the office.

[CULTURE]

TOLERATE THIS

It seems that only yesterday we were bowing to pressures to re-christen Christmas "Winter Holiday" and lump Easter in with "Spring Break." Now it appears that Baltimoreans will have a new celebration to learn about when their schools close on Eid-al-Fitr.

The county school board is in the midst of heated decision-making process—not quite a battle, but it's early yet—about whether to designate a vacation day to mark the end of the Muslim holy month of Ramadan.

We offer a modest counter-proposal: go back to the old system. Christmas vacation and Easter break were wonderful holidays—and wonderfully labeled. Sensible teachers have long obliged Jewish students by not scheduling important activities on Yom Kippur or Passover. Certainly a similar accommodation could be made for Muslim pupils.

Should their families find this insufficient and insist on living in a society where Eid-al-Fitr is universally acknowledged, that shouldn't be difficult to find—in countries where converting to Christianity is illegal. ■

The American Conservative

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The War Party

Support for George W. Bush's foreign policy now defines the GOP.

By W. James Antle III

LITMUS TESTS MUST GO. That is the rallying cry of those who believe Republicans should drop their insistence that the party's 2008 presidential candidate toe the line on taxes, abortion, guns, or immigration. Wartime, the argument goes, is no time for conservatives to demand ideological purity. Or, as Noemie Emery put it in an emblematic essay for *The Weekly Standard*, "in a time of national peril, the test is a luxury [conservatives] cannot afford."

Judging from presidential preference polls, many Republicans appear to be listening. The current 2008 frontrunner, former New York Mayor Rudolph Giuliani, is pro-choice and supports civil unions for gays, gun control, and a fairly permissive immigration policy. Until recently, he favored taxpayer funding of abortion and opposed the partial-birth abortion ban. In second place is Sen. John McCain, who voted against the Bush tax cuts, sponsored amnesty for illegal immigrants, championed a campaign-finance law that put restrictions on conservative groups ranging from the National Rifle Association to the National Right to Life Committee, and believes the federal government should referee professional boxing.

Together, they receive majority support among those who plan to vote in a Republican primary next year. Between the two of them, they make virtually the entire conservative domestic agenda—lower taxes, limited government, gun rights, the pro-life cause, and the defense of traditional marriage—negotiable. Yet

on one issue, Giuliani and McCain are both unflinchingly orthodox: the war in Iraq.

In fact, it would be difficult to find a Republican who hews closer to the party line on Iraq than the two frontrunners. McCain is adamant that if U.S. forces were to withdraw, "the consequences would be chaos, genocide, and, sooner or later, we go back." Or we end up with terrorism on our own soil: "If we come home, bin Laden and [deceased al-Qaeda leader] Zargawi, they are going to follow us."

Giuliani agrees. "When you listen to these debates in Congress, and you listen to the politicians debating, you sort of get the impression that they think we're in control of whether we're at war or not," America's Mayor explained to pundit Sean Hannity. "It doesn't matter what we think. They're at war with us. They want to come here and kill us."

McCain and Giuliani are both convinced that the Iraq War is central to the war on terrorism; that fighting in Baghdad directly prevents more carnage in New York; and that at least some form of democracy promotion in the Middle East is in our national interest. In many respects, they are more fervent believers in the Bush Doctrine than the current president. McCain was clamoring to send additional troops to Iraq back when the White House preferred light footprints to surges.

All of these views fit comfortably within the conservative foreign-policy mainstream. But what about the frontrunners'

heterodox positions on domestic affairs? In 1990, George H.W. Bush irreparably damaged his relationship with the conservative base by backsliding on taxes. And at least his motives were consistent with that of a conventional Republican deficit hawk. McCain's rationale for opposing the second President Bush's tax cuts sounded much like Ted Kennedy's. The Arizona senator said, "I cannot in good conscience support a tax cut in which so many of the benefits go to the most fortunate among us at the expense of middle-class Americans who need tax relief."

The only other GOP senator to vote against the 2001 Bush tax cuts was Lincoln Chafee of Rhode Island, the chamber's most liberal Republican. Twelve Democratic senators, on the other hand, broke ranks and supported lower taxes. In 2003, McCain balked at tax reductions for capital gains and dividends—a tax-cut package that was a much bigger catalyst of economic growth than the first one—and forced Vice President Dick Cheney to cast a tie-breaking vote to enact them. Although his opposition to new tax cuts is not the same as voting to raise taxes, he did propose a tax increase as part of a tobacco deal in the late 1990s. Yet instead of being disqualified from the race, McCain remains in the top tier and enjoys the support of supply-siders like *National Review Online* economics editor Lawrence Kudlow.

Giuliani's case is even more jarring. Since Ronald Reagan, the conventional wisdom has been that no pro-choice

Republican could win the party's nomination. The only pro-choice GOP nominee in its history was Gerald Ford, who prevailed narrowly at the 1976 convention as an incumbent and ended up endorsing a constitutional amendment to overturn *Roe v. Wade* during the general-election campaign. In 1996, California Gov. Pete Wilson and Sen. Arlen Specter—running as unrepentant pro-choicers—dropped out of the race before the first ballots were cast. And this was after Specter embraced the flat tax and Wilson moved sharply to the right on immigration.

Nevertheless, Giuliani now leads in every national poll. A plurality of Republicans seem ready to nominate a man who, as mayor of New York City, issued proclamations celebrating Planned Parenthood Day, donated money to the hard-line pro-choice group NARAL, and spoke glowingly about the “distinguished tradition” begun by Margaret Sanger. In some surveys, he leads his nearest rival by double-digit margins.

Giuliani hasn't exactly been rebuffed by pro-lifers either, even though he repudiated his own early anti-abortion views during his first political campaign in 1989. His first major Southern endorsement came from Sen. David Vitter of Louisiana, a firm abortion opponent from one of the most pro-life states in the country. The socially conservative columnist Maggie Gallagher, who voted against Giuliani for mayor on pro-life grounds, admitted she is “thinking hard about Rudy.”

This new flexibility about staple conservative issues like taxes and abortion is far from unanimous, however. The anti-tax Club for Growth has pilloried McCain's economic record, and the Arizona senator has been equally hostile to them. James Dobson, a leading religious conservative, has said flatly that he would not vote for either Giuliani or McCain in the general election. A high percentage of Republicans don't know

the full extent of Giuliani's social liberalism. A *Wall Street Journal* poll found that a majority of the former mayor's own supporters would have reservations about backing a pro-choice, pro-gay unions candidate.

It is this discomfort that has many Republicans scanning the cast of “Law and Order” to find a more conventionally conservative candidate. So far, the search has been unsuccessful. The yearning for Fred Thompson and Newt Gingrich has yet to officially lure them into the race. Former Massachusetts Gov. Mitt Romney has tried to fill the void with rhetoric that doesn't match his record, encountering skepticism that may account for his low standing in the polls. But many Republicans want their nominee to be more than just a hawk. The *New York Times* found that nearly six in ten were dissatisfied with the current field.

Get used to it, some conservative pundits say. Emery argued in *The Weekly Standard* that the social-issues litmus test that swelled the ranks of the Republican Party “has been a very good deal for the people who imposed it, but a very bad one for the country at large.” She claimed that it forces candidates to take positions “that have been rejected by seven in ten Americans”—although many polls show that Giuliani's recent stance in favor of abortion on demand with taxpayer funding comes closer to this description than opposition to abortion with exceptions for rape, incest, and when the mother's life is in danger—and makes those who would be commander in chief look less “leaderly” because they are “groveling before leaders of interest groups.”

Of course, commentators like Emery wouldn't really do away with litmus tests—they would just create a new one. Her take is that it all comes down to “The War, Stupid.” Iraq “overwhelms everything as *the* major issue in the eyes of the

base.” While Giuliani is pro-choice, he should be preferable to conservatives because “[t]hey see him as a more ruthless George W. Bush.” Giuliani “would have taken Falluja the first time,” for example, or “would not have been fazed by whining over Abu Ghraib and Club Gitmo, and would have treated critics of the armed forces and of the mission with the same impatience he showed critics of the police in New York.”

Emery later wrote that she “would vote for Joe Lieberman over Sam Brownback, or another Republican who was not strong on the war.” Bear in mind that Brownback—a pro-lifer who supports an activist foreign policy—showed weakness on the war merely by criticizing the surge. He voted against even a nonbinding resolution opposing it.

While few conservatives would go this far, Emery isn't alone in wanting to make Iraq the single issue. “For a majority of the GOP primary electorate, it is the war, the war, the war,” wrote talk show host and blogger Hugh Hewitt, allowing parenthetically that judges are important too. “No fight, however, matters as much as the one for our survival,” Andrew McCarthy maintained on *National Review Online*. “No one will fight that fight better or smarter or more zealously than Rudy Giuliani.”

McCain's hawkishness has also won him supporters. When the Arizonan came out against the Iraq Study Group's recommendations and in favor of the troop surge, Lawrence Kudlow penned a syndicated column praising him as “Senator Backbone.” “Two of the most important qualities necessary for a run to the Oval Office are decisiveness and strength of character,” Kudlow wrote. “In recent weeks, John McCain has proven that he has more stock in these traits than most any public official today.”

Consequently, when McCain promises to be a low-tax, pro-growth president in contrast with his recent record

of voting against tax cuts, Kudlow the supply-side enthusiast is inclined to give him the benefit of the doubt where Club for Growth is not.

The first stirrings of single-issue Iraq politics could be detected in the widespread conservative support for Joseph Lieberman during his Senate race against Ned Lamont in Connecticut last year. The two Democrats took similar positions on most domestic issues but differed sharply over the war. Lamont became a symbol of the netroots-backed antiwar Left while Lieberman was the country's pre-eminent liberal hawk. And while Lieberman is indeed a hawk, he is also a liberal.

Lieberman's American Conservative Union ratings are lower than both Arlen Specter's and Lincoln Chafee's, senators conservatives tried to defeat in GOP primaries over the past two election cycles. His Americans for Democratic Action rating was 80. Lieberman voted with the Democrats on economic and social issues over 90 percent of the time.

None of this stopped *Weekly Standard* editor William Kristol from pinning for a 2008 Republican ticket that includes Lieberman for vice president. Richard Brookhiser—who once allowed that he would be tempted to vote for Hillary Clinton over GOP war critic Chuck Hagel—proclaimed Lieberman a flawed man who was nevertheless right on the most important issue of our time, Iraq, just as Andrew Johnson was right in favoring the Union during the Civil War. Cal Thomas, a onetime Moral Majority official, lamented the socially liberal Connecticut senator's primary defeat at the hands of the "Taliban Democrats."

The 17 anti-surge House Republicans, however, were left to fend for themselves. Kristol complained "they deserve to be primaried, because they are acting, I think, in a shameful way." A group called the Victory Caucus plans to do the honors. One potential target: Congressman Ric Keller of Florida, a pro-lifer

who won his seat in 2000 with Club for Growth support and has a 95 lifetime rating from the American Conservative Union. "The Iraq issue transcends partisan politics," Victory Caucus board member Dean Barnett told *The Politico*. "Keller may be a rock-ribbed conservative but on the biggest issue of our day, he's got it wrong."

Barnett has it exactly backwards. Instead of making Iraq an issue that transcends partisan politics, groups like his help fortify the war as a dividing line between the two parties—a risky position for Republicans when more than 60 percent of the electorate is antiwar. Moreover, while foreign policy drove many intellectuals to the Right, social issues were actually a bigger draw for voters. Can the Iraq War rally the millions who entered politics to fight the Culture War?

Many conservative writers think (or perhaps hope) so. Jonah Goldberg wrote in his syndicated column, "Taken together, terrorism, Iraq, and Islam have become the No. 1 social issue." Social conservatives will embrace candidates like Giuliani not because "pro-lifers are less pro-life" but because they "really, really believe the war on terror is for real." Emery argued similarly that the war appeals to "the need to use force when one's country is threatened; the need to make judgments between good and evil; the need to protect and assert the moral codes of the Judeo-Christian tradition; the need to defend the ideals of the West."

Some careful observers of evangelical politics agree. *U.S. News & World Report* senior editor Dan Gilgoff reported that Romney faced harder questions from the National Religious Broadcasters convention about Islamic terrorism than abortion or same-sex marriage. Gilgoff wrote in the *Los Angeles Times* that "tough-on-terrorism credentials" could lead evangelicals to "deem Giuliani not just the lesser of two evils but a national savior." The fact that

opposition to the Iraq War does not equal giving up on the fight against terrorism—and is often based on the idea that our present strategy has actually increased the dangers of radical Islam—seldom enters into the partisan debate.

At this point, foreign-policy hawks would probably argue that they too have been part of the conservative coalition since the Cold War and have often capably served GOP interests. Most Republicans still share their Iraq opinions, believing our national survival is at stake. Neither social nor economic conservatives have yet been read out of the party. To please them, Giuliani has reversed himself on partial-birth abortion and promised to appoint "originalist" judges; he is taking economic advice from Steve Forbes. McCain already has a mostly conservative record on social issues, despite his poor relations with Jerry Falwell. The senator is also rediscovering his supply-side roots.

So why not let the hawks have their way? It is a question their coalition partners should ponder carefully. The conservative domestic agenda is already stalled under a president who supposedly agrees with most of it. Territory ceded to leaders who don't may be impossible to reclaim. Moreover, the foreign-policy thinkers who helped the Right win the Cold War were far more diverse and open to debate than those trying to lead the movement today. To say that conservatives can compromise on first principles but cannot disagree about how best to wage the war on terror is to urge the abandonment of the issues that built the Republican majority in favor of the issue that tore it down. Conservatives who surrender on every other fight in exchange for the single-issue hawks' promises of victory are accepting a fool's bargain. ■

W. James Antle III is associate editor of The American Spectator.

Executive Privilege or Power Grab?

Don't Give up Rove

By Patrick J. Buchanan

If the Senate Judiciary Committee issues a subpoena for Karl Rove to testify to his role in the firing of the eight U.S. attorneys, President Bush should defy the subpoena, accept the contempt citation, and fight it all the way to the Supreme Court.

Then he should deputize Vice President Cheney to deliver the message to his old friend, Chairman Pat Leahy.

Not in memory has there been more of a nothing-burger of a scandal than the sacking of the martyrs of Alberto Gonzales. As my former White House colleague Jim Warner writes, this is a "contrived controversy ... since the Supreme Court has ruled that, with limited exceptions, Congress has no voice in the dismissal of federal officers."

U.S. attorneys serve at the pleasure of the president. Bush can fire them, retain them, or remove some and retain others. The Supreme Court has upheld that right and denied Congress any role in the presidential hiring and firing of political appointees. Writes Warner:

In 1926, the Supreme Court held that the requirement for the Senate approval of a dismissal was unconstitutional. Chief Justice William Howard Taft, writing for the majority, stated that in order for the president to fulfill his constitutional duty, he must be able to discharge federal workers whose performance in office was not in accordance with his desire and that this responsibility could not be shared with Congress.

Why then is Congress mucking around in what is none of Congress' business? President Bush should tell the Senate Judiciary Committee to butt out. Indeed, he has a duty to do so. For he is today custodian of an office that is the subject of assault by a savagely partisan and hostile Congress.

This is not about the competence of Alberto Gonzales or his coterie at Justice or any White House role in the ouster of the eight. This is about preserving and protecting the integrity of the presidency of the United States. It is about the right of every president to receive the candid counsel of his most trusted advisers.

If White House assistants as close to a president as Karl Rove is to Bush can be ordered before Congress to

Continued on Page 10

Sic Semper Tyrannis

By Llewellyn H. Rockwell Jr.

Maybe the authors of the *Federalist Papers* were liars. Maybe they were just engaged in political propaganda in order to shove through the Constitution. In secret, perhaps, they were plotting a leviathan state with a president who can do all that the Bush administration claims he can, which pretty much amounts to whatever Bush wants to do.

If that was the case, they knew better than to advertise it. The Constitution would never have passed. Fear of a powerful president was one of the main reasons that people were fearful of abandoning the Articles of Confederation, which had no executive to speak of.

Recall that the founders had long tangled with the king in England. The entire Declaration of Independence was a personal attack on him and his policies. These were the days of "personal states" in the sense that a government was still thought to be the private property of a monarch. The bad aspect of this system was that the king could become a tyrant. The good aspect was that people knew whom to target to end the tyranny or, in the case of the founders, whom to denounce in the course of a political separation.

As an alternative to the personal executive state, the founders (perhaps naïvely) believed that they could create a Roman-style republic with a twist. There would be a head of state, but he would be controlled by a legislature. In fact, controlling the president would be the main job of the legislature. The founders went this one better by refusing to invest much power in the central government. Instead, the powers were decentralized and belonged to the member states.

The anti-federalists were skeptical. How can you create a presidency and not expect it to become corrupt? Alexander Hamilton was absolutely reassuring in *Federalist* 69. He said that the president bears no resemblance at all "to the Grand Signior, to the khan of Tartary, to the Man of the Seven Mountains, or to the governor of New York." He concedes that the president has some resemblance to the king of Britain, but there are important and critical differences. He would only be president for four years, which is too little time "for establishing a dangerous influence in a single State."

He raises a point that was very much central to the minds of that generation. A king cannot be removed from office through peaceful means. In contrast, the president

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be interrogated publicly on the inner workings of the White House, or what he may have told the president on controversial issues, the presidency will be irretrievably damaged. Whatever conservatives may think of Bush or Rove, they ought to be as protective of the rights and powers of a president as they are of those of Congress and the Supreme Court.

And what is the matter with so many journalists that they cannot see the principle at stake? Is their contempt for Bush so great they cannot see a need for executive privilege? Indeed, the hypocrisy on the part of many in the press is so manifest as to make them look almost absurdly partisan.

We just passed through a criminal investigation by U.S. Attorney Patrick Fitzgerald of the alleged outing of a CIA covert agent, an investigation the press demanded. Yet journalists howled when Judith Miller of the *New York Times* and Matt Cooper of *Time* were forced to testify to a federal grand jury in that criminal investigation. To defend reporter's privilege, Miller spent months in jail rather than reveal what a single White House aide had told her.

Can journalists credibly argue for an absolute shield law that protects their right never to have to reveal—even to a U.S. grand jury investigating potential crimes against national security—what Karl Rove told them, but President Bush has no right to protect what Rove told him from a partisan congressional committee?

Congress, too, is being massively hypocritical. When \$90,000 was discovered in Congressman William Jefferson's freezer, the Justice Department went before a federal judge for a subpoena for the FBI to enter Jefferson's office. FBI agents removed files related to a corruption investigation.

Members of Congress were outraged at this executive-branch intrusion in their sacrosanct domain. Former Speakers Newt Gingrich and Tom Foley joined to file amicus briefs on Jefferson's behalf, asserting an executive-branch violation of the separation of powers. No matter that Jefferson was under criminal investigation, no matter that the subpoena was validly issued by a U.S. judge, Capitol Hill was said to be a sanctuary into which law-enforcement agents of the executive branch had no right to intrude.

Journalists make the point that Nixon aides, this writer among them, had to testify under oath in televised hearings before the Senate Watergate Committee, that Nixon was ordered by the Supreme Court to turn over the tapes of his most confidential Oval Office conversations. But those tapes were ordered to be turned over to an independent prosecutor, whose office had been set up to investigate the White House and prosecute former White House aides. The executive branch was investigating itself. As for the Watergate Committee, it was a special committee with which President Nixon, after White House aides involved in the scandal had been removed, had agreed to co-operate. The same was true of President Reagan in the Iran-Contra affair.

Of the eight U.S. attorneys, what do we know? That they were fired with the approval of the president at whose pleasure they served; that there is no hard evidence any was fired to abort a criminal investigation; that some were incompetent and others seemed to have their own agendas or were not dealing as resolutely as Justice was demanding with such matters as illegal immigration.

If the Senate Judiciary Committee feels illegitimate pressure was put on U.S. Attorney David Iglesias by that phone call from Sen. Pete Domenici asking about indictments in a corruption scandal, why have they not called Domenici to testify rather than demanding the appearance of Karl Rove? The answer suggests itself. As Warner wrote, this is a "contrived controversy," born of "imaginary indignation."

We also know that Justice Department officials did not tell Congress the same story about why they did what they did. But what exactly is the Senate's responsibility if there are conflicts in recollection among Justice officials in doing what they had every right to do: fire the eight? These hearings are thus a perjury trap, designed to elicit conflicts of testimony so senators can howl for appointment of a special prosecutor because someone has lied to them.

Congress has the right to command the public testimony of executive-branch officers in the Cabinet departments. Congress has no more right to command the public testimony of a president's closest aides than it has to the public testimony of Supreme Court clerks as to what they told the Chief Justice or what the Justices told each other before handing down a decision.

If Congress presses ahead with these subpoenas, the president should use every weapon in his arsenal to repel this act of aggression by a rogue Congress against the Office of the President of the United States. ■

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“would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law.”

Yes, said Hamilton, the president is commander in chief of the military. But this power is only “occasional”: when the legislature has authorized the military for actual service. He has no power to declare war or to raise and regulate armies. All these powers “appertain to the legislature.” Finally, he reminds us, if any powers are abused—such as the power of pardon—the president can be impeached immediately.

One gathers from these passages a vision of the president as a temporary manager, doing only what the legislature approves, always under the relentless threat of impeachment. Presidents would come and go, and they would be in fear of the legislature. One misstep and they could be tossed out. Oh, and by the way, the president can’t get rid of the legislature except in one narrow case: he can adjourn them when they otherwise can’t agree on how or when to leave.

What about his powers? He can negotiate treaties and commercial agreements. He can welcome ambassadors. Everything else can only be done with the advice and consent of the Senate.

Was Hamilton a liar? He is usually presented as the advocate of presidential supremacy and certainly he went much farther than the Jeffersonians in his view of government. He was an extremist by any standard. He favored leviathan by comparison to the anti-federalists. And yet, from his own writings, the president in his vision of the Constitution is nothing more than a hired manager with few powers, and those not trivial are subject to the legislature. If he abuses power, he goes to the gallows in the republican fashion: he is impeached.

How does this contrast with the view of the Bush administration? It is opposite in every respect. Consider the claim of John Yoo, author of *The Powers of War and Peace*, the bible of the Bush administration’s claim of totalitarian powers in war, and the reputed author of most of the Bush administration’s torture policies. Yoo’s book is a twisted mess, an attempt to justify reading the founding period in an opposite way from its historical reality. It’s like

arguing that King Lear is a comedy, that Beethoven was second rate, or that the Bible endorses Satanism. There is always someone around to make any crazy claim you want, and if you are the ruling party, intellectuals will crawl out of the woodwork to say what you want them to say.

In any case, this book by Yoo dismisses the whole of what Hamilton says in Federalist 69 as “rhetorical excess.” And an article in the *Boston Globe* quotes him as saying that “Fed 69 should not be read for more than what it is worth.” Why? Because all presidents since FDR have used the imaginary war power to do their dirty tricks.

This is an interesting argument. It says that because some tyrants have violated the Constitution, all presidents should presume the right to be tyrants in the manner in which the Constitution’s framers tried to guard against. Now if some intellectuals set out to say that the Constitution is really just a myth, that our past doesn’t matter, that the founders’ intentions are irrelevant, that the rule of law is and should be a dead letter, that would be one thing. We would be back to the fundamental debate of liberty versus despotism.

Instead, keep in mind that the people arguing for executive dictatorship fashion themselves as conservatives. Contrast this with the genuine conservatism of Robert Taft, who saw the postwar period as a time to set matters right and return to first principles. He attacked Truman for his Cold War forays and stated clearly that Congress alone has authority to declare war and manage foreign policy. FDR’s attitude toward his power, Taft wrote, was inconsistent with our heritage.

To return to my original question: what if the authors of the *Federalist Papers* were liars? This is not as crazy a theory as it might sound. Patrick Henry believed that they were, which is why he opposed the Constitution to begin with. It was too much of a risk, he said, to create any sort of president: “If your American chief be a man of ambition and abilities, how easy is it for him to render himself absolute!”

Patrick Henry lost the debate because enough people believed that Hamilton was sincere in his promises and that the president would be restrained. So let us be clear about what the advocates of executive rule are really saying. They are saying things that if they had been said to that founding generation of Americans would have prevented the Constitution from ever being passed. But it did pass. So until we can restore the Articles, let’s live up to the Constitution, and stop the dissembling, especially in the name of “conservatism.” ■

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Algeria, the Model

Fifty years ago, another Western power fought “Islamofascism”—then walked away.

By Scott McConnell

WHEN CONTEMPLATING IRAQ, Americans look into a murky crystal ball. History naturally presents itself as a tool to clarify the choices and possibilities that lie before us. But what history? Before the invasion, neoconservatives soaked the capital in the rhetoric of Winston Churchill and the “lessons” of the 1930s. Later, after Saddam was found to have no weapons of mass destruction, they sought to rebrand the Iraq War as a part of the long struggle against totalitarian “Islamofascism” and thus a successor to the Cold War. For many Americans, the natural comparison is the Vietnam War, which ended with evacuation choppers on the Saigon embassy’s roof and several more years of bloodshed in Indochina.

The French war in Algeria, never well known in the United States, has its own claims to stake. Before the Iraq War commenced, some Pentagon special operations officers attended a screening of Gillo Pontecorvo’s classic 1966 docudrama, “The Battle of Algiers.” More recently, reporters were told that George W. Bush was reading Alistair Horne’s exhaustive *A Savage War of Peace*—a book that, Horne stated in the preface to the recent paperback edition, was Ariel Sharon’s favorite bedtime reading. (Israeli dove Amos Elon remarked that Sharon must have completely misunderstood the work.)

What lessons might Americans draw from the Algerian war? They are not obvious. The brutal conflict, which gave rise to an extraordinary memoir literature in French, impinged on France’s national life far more than Iraq has yet

touched America. But some common features are clear. The Algerian war was more or less part of our own historic era, influenced by international air travel and mass communications. A Western democracy was facing off against Arab Muslims; terrorism against civilians—first employed by the Arab guerrillas and later by the French far Right—was a central aspect of the war; and the use of torture to root out the terror networks produced a moral upheaval in France. Indeed, the war very nearly cost France its democracy.

In the end, it required the extraordinary political leadership of Charles de Gaulle, who turned against some of his most devoted supporters, to extricate France from the mess and move the country forward. Losing the war proved far more painful for the Algerians who had aligned themselves with France than for France itself. If one is looking for an example of a comparatively rich and technologically superior Christian country trying to dominate an Arab land against substantial local and international opposition, Algeria surely fits the template.

Still, different people will draw different conclusions about the conflict: *The Weekly Standard*’s Irwin Steltzer reports (with great satisfaction) that the lesson George W. Bush has apparently imbibed from Alistair Horne’s book is that France didn’t stay long enough!

Of course the parallel doesn’t fit perfectly. France was tied to Algeria through the presence of one million European settlers, who saw themselves as French, though they came from

throughout the northern tier of the Mediterranean. Prosperous landowners, small industrialists, holders of lower middle-class city jobs, shopkeepers, (a few) manual laborers, the *pied noirs* were united by attachment to a privileged status French control over Algeria gave them. They had a powerful lobby in Paris, through which they exercised great influence on the appointed colonial government. A local legislature—originally created as a liberalizing reform—was designed with separate wings, one for Europeans and one for Muslims, so that any Algerian democratic initiative would be stillborn. The *pied noirs* secured for themselves the colony’s best land and had access to the best jobs. France devoted more resources to schooling the children of the one million *pied noirs* than it did to those of nine million Muslims. The two communities had little social contact and virtually no intermarriage.

The accelerating disparity between the groups’ birthrates reached into every aspect of the colony’s social system. At the time of the French conquest in 1830, the Muslim population was less than two million; it was nine or ten million at the outbreak of the insurrection—and growing fast. Any program of real integration between the two communities—one that gave every Algerian an equal right to a European to vote for representatives in Paris—would have led to Muslims becoming a powerful voting bloc in France proper. This was a fact few partisans of French Algeria were willing to face.

In May 1945, the *pied-noir* conceit that Algerian Muslims were content with second-class status was contradicted by a violent Muslim riot: a V-E march in the town of Sétif took on nationalist overtones, the police fired shots, and the Muslim crowd turned on the Europeans. The unrest spread quickly to neighboring towns: 103 Frenchmen were killed, often brutally. In punitive retaliation, the French used dive bombers, naval shelling, and Senegalese troops to destroy several villages, producing a Muslim death toll in the thousands. The Sétif riot and its aftermath passed almost unnoticed in France but set a pattern that would be repeated as the rebellion gathered steam: the Muslims would riot or stage an attack, and the French would answer with massive and relatively indiscriminate reprisals. At the end of each round, nationalist sentiment would grow.

Months after the French defeat at Dien Bien Phu in 1954, the Algerian rebels—the FLN—then numbering fewer than a thousand, launched their first organized attacks, setting off bombs, striking isolated barracks. The ringleaders were young men of modest education, with no real ideological program beyond getting the French out. But they succeeded in igniting a war and capturing the imagination of Algeria's youth, who in the tens of thousands proved willing to kill, suffer, and die for Algerian independence.

France responded as a sophisticated liberal Western power might be expected to. The Fourth Republic's leaders were humanist, temperate democratic socialists, convinced that France's ideals of liberty, combined with increases in economic and technological aid, could surmount the acknowledged evils of colonialism and bind Algeria to France. They sent Jacques Soustelle, an ethnographer first prominent as a left-wing intellectual, later a

key organizer of the Resistance and an associate of de Gaulle, to govern the colony. Soustelle was determined to make France's rule enlightened and not reactionary, to break the social and economic monopolies of the *pied noirs*, to make "Algérie Française" something progressive France could be proud of.

Meanwhile, the military set about to clean up the guerrillas in the countryside, and France began to pour in troops. Within a year, most of the initial FLN leadership was killed or captured. But still the rebellion managed to survive. In 1955, a handful of guerrillas incited the Muslims of Philippeville to set upon the town's European majority with knives and axes. In an orgy of violence, the Muslims killed women and children, slitting throats, disemboweling pregnant women. The death toll was 123, including 53 Muslim "collaborators." The French responded in kind, but more widely. The *pied noirs* went on a countrywide rampage, shooting Muslims in the street. American diplomats estimated the death toll of the French retaliation at 20,000.

Philippeville brought a practical end to "integration" as a concept, though it lingered on in French rhetoric. The massacre also brought a quick end to Soustelle's liberalism; at the funeral of one slain Frenchman, he spoke of revenge and of the "totalitarian fanaticism" of the rebels. He would end his career as a backer of the terrorist far Right trying to hold on to French Algeria at all costs.

Military means could never definitively smother the rebellion, even after France stationed half a million troops in the colony. As a character in Jean Laterguy's war novel *The Centurions* put it, the guerrillas were "like the algae which always comes back in aquariums." Their chief targets were the Muslims who co-operated with the French and the most liberal representatives of the French effort, teachers and engineers.

Killing was not enough. The guerrillas preferred mutilation, severing the noses, lips, and sexual organs of their victims. The purpose was to make the middle ground untenable. "France is at home here," Soustelle had announced to the Algerian Assembly when he arrived at his post. Following Philippeville, this claim sounded ridiculous.

After one battle in which a platoon of French reservists was ambushed and wiped out, the rhetoric escalated as France sought more grandiose justification for a conflict it couldn't face losing. French Resident Minister Robert Lacoste described the war in Algeria as "but one aspect of a gigantic global struggle, where a number of Muslim countries, before collapsing into anarchy, are trying through Hitlerian strategies to install an invasive dictatorship. ... The war we are waging ... is that of the Western world, of civilization, against anarchy, democracy against dictatorship." By the third year of the war, language like this was commonplace among diplomats and intellectual partisans of *Algérie Française*, who increasingly depicted the conflict as "terror" against "liberty." To justify the sacrifices of the war, much of the French political class essentially talked itself into believing that defeating the rebels in Algeria was a matter of national life and death, which of course made a negotiated withdrawal that much more difficult to contemplate.

The war reached the city of Algiers in the spring of 1956. The FLN recognized that killing French civilians in the capital was worth more, propaganda wise, than killing soldiers in the field. The memorable scenes in Pontecorvo's docudrama tell the story well enough: attractive young Muslim women getting dressed up in Western clothes, flirting with the French soldiers, and placing bombs in the social hangouts of the gilded youth of *Algérie Française*. After a few months, the city yearned for martial law.

Gen. Jacques Massu and a division of paratroopers were put in charge. The paras began torturing. Contrary to liberal conventional wisdom, the torture did its job, and the secret organizations of bomb makers and placers began to give up their secrets. Electrodes to the genitals—*“la machine qui fait parler”*—was the most effective method.

The paras won the Battle of Algiers. By the fall of 1957, the city was free of violence and would remain so for four years. And the legend of the paras in their colorful regimental berets grew: many Frenchmen would come to see them as their country’s most legitimate political force.

But elite metropolitan France—or at least its liberal intellectuals—was not willing to accept torture done in its name. Repugnance at the paras’ methods waxed during 1957, inciting an

standing toward its ally. Forging NATO and a strong Western Europe were central to its diplomacy. But when the war swelled France’s budget deficit, forcing it to seek emergency aid from Washington, Secretary of State John Foster Dulles hinted that withdrawing from Algeria would help matters. The young Sen. John F. Kennedy called openly for Algerian independence in 1957, and the chic French weekly *L’Express* put him on the cover. Americans of both parties feared that if the war dragged on, Communist infiltration of the North African nationalist and independence movements would become inevitable.

It was in this context that the Fourth Republic stumbled. In February 1958, a French air strike along the Tunisian frontier killed scores of civilians, and British and American diplomats offered their “good offices” to calm matters.

Republic politicians who knew they might otherwise be swept away by a few regiments of angry paratroopers.

He was 67, too old for the job by his own reckoning. Six feet, five inches tall, his regal style was evident in both spoken and written word. His call to national resistance after the 1940 armistice had salvaged France’s honor in World War II—he had won a place for France among the war’s victors by the force of his own personality more than by France’s military contribution to the victory—and his presence in the first postwar liberation government was a critical brake on the ambitions of France’s largest organized political force, the Communists. He resigned in 1946, perhaps expecting to be summoned back. By the 1950s, his mystique still lingered, and he maintained a powerful network of devoted followers among the French political class. The first volumes of his memoirs were huge bestsellers; even without his remarkable second act, de Gaulle would have been one of the political giants of the 20th century.

But the key aspect of de Gaulle’s return as the first president of the Fifth Republic—about which most of the country was unaware—was that he was prepared from the outset to flout the wishes of the very generals and colonels who had eased his return to power. From 1946 onward, one can see a clear line in de Gaulle’s thinking: the era of colonies was finished. It could end sooner or later, gracefully or abruptly. France could retain cultural and economic ties to its ex-colonies or not. But the end of colonial rule was inevitable. And yet de Gaulle allowed many Gaullists who were fierce partisans of *Algérie Française* to interpret his Delphic utterings as they wished.

Having ascended to power in the slipstream of a *pied-noir* riot, within weeks of his investiture in Paris, he visited Algeria. Standing on an Algiers balcony

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uproar in the Parisian journals. Then it waned, the mood of indignation proving impossible to sustain. By 1960, an American writer in Paris noted that among the intelligentsia, torture had become a bore—perhaps the worst fate a moral cause could suffer. Nevertheless, the debate lingered. France officially disavowed the methods that seemed necessary to defeat the guerrillas, and mainstream French political opinion began to shift toward finding the costs of staying in Algeria heavier than defeat.

Much as France sought to depict the battle as a decisive conflict between “Western civilization” and “Islamic fanaticism,” few elsewhere in the West shared the view. The Eisenhower administration remained publicly under-

This was widely seen as a prelude to dreaded American interference, and the army and the colons sniffed a “sellout.” A mob in Algiers, eventually backed by several key generals, seized the government buildings and put the city under the rule of a Committee of Public Safety. Rumors flew around Paris that the army would take power there too; it was not clear that in a crunch any regiments would defend the Fourth Republic against a military coup.

Charles de Gaulle was well informed of these plots through his own network—perhaps encouraging them while holding himself aloof as an arbiter between the elected government and a rebellious military. In May 1958, he was asked to form a government by Fourth

with his commanding general Salan and the hawkish Soustelle, he addressed a crowd very much like the one that set the coup in motion weeks before. Introduced amid oceanic cries “long live Algérie Française,” he replied, famously, “*Je vous ai compris*”—“I have understood you.” He would later write that those words, “seemingly spontaneous but in reality carefully calculated” would fire the crowd without committing him to any further action. In the same speech, he spoke of “ten million French citizens of Algeria” who would decide their own destiny. Already he was using a formulation too liberal in its implications for any French politician in power to have uttered before. Then came a nearly heretical reference to the courage of the FLN guerillas. Their struggle, he said, “I personally recognize is courageous ... however cruel and fratricidal.” Before the cheering stopped, some in the crowd must have wondered what exactly they were cheering for.

During his first year, de Gaulle set his generals to winning the war. France had by then completed the Morice Line, a complex of electrified fence and minefields that cut off the rebels from their sanctuaries in Tunisia and Morocco. Gen. Maurice Challe, the new commander of the French forces, developed tactics to keep the guerrillas on the run, and France had learned to induce more Algerians to fight alongside its own forces, the so-called harkis. By every statistical measure—insurgents killed, weapons captured, harkis recruited—the war was being won. All that was remained was for the guerrillas to seek surrender terms.

The army was not only winning, it was highly conscious that its honor was at stake. Soustelle explained it best, in a book published after he had broken with de Gaulle: the French army had made an oath to the Algerians and was bound by it. Every Algerian notable had asked the commanding officer of every village post

The existential “axis of evil” threat from North Korea has turned out to be no threat at all. After evaluation of all the intelligence collection data obtained over the past five years, Department of Energy analysts have concluded that North Korea has never succeeded in making a nuclear device in spite of its frequent claims. The underground nuclear test staged last October was, in particular, a major failure in that Pyongyang could not get the weapon to detonate even under the ideal conditions of a test. The levels of radioactivity detected and other data show that most of the blast came from the conventional explosive material that normally serves as a trigger. The final test demonstrated that Pyongyang has not made a working nuclear bomb, and unless it bought them or stole them, probably does not have the warheads that intelligence analysts previously concluded were in the North Korean stockpile. The intelligence on Pyongyang’s failure was available to President Bush before the six-party agreement in February that ended North Korea’s nuclear program in return for massive economic aid. Over the heated objections of the National Security Council’s Elliott Abrams and other neoconservatives like John Bolton, Secretary of State Condoleezza Rice argued successfully that the timing was right to reach a deal and put an end to North Korea’s attempts to obtain a functioning nuclear device.



California Congressman Henry Waxman’s Oversight and Government Reform and Oversight Committee has been investigating allegations that the Bush administration might be concealing something about the Niger document forgeries, that it maliciously outed CIA operative Valerie Plame, and that it has looked the other way over massive fraudulent contracting in Iraq. These investigations are admirable and very much in the public interest. He has been less interested in pursuing another matter, however. FBI whistleblower Sibel Edmonds and her numerous supporters both inside and outside of government have been urging Waxman to hold open hearings on her claims regarding malfeasance and corruption among high-level government officials. Edmonds is subject to a State Secrets Privilege gag order initiated at the request of the Pentagon and State Department, but she has recently elaborated on her allegations, stating that investigations already carried out by the FBI would demonstrate that three former senior officials were involved in illegal weapons sales and other activities that would justify charges of espionage or possibly even treason against them. The three men are leading Pentagon neoconservatives Douglas Feith and Richard Perle as well as former State Department number three Marc Grossman. Edmonds is no crackpot and is considered to be a credible witness, most of whose charges were substantiated both by former FBI officials in 2002 and by the Department of Justice itself in 2005. Waxman appears to be uninterested in pursuing the matter, however, possibly because Israeli officials and the country’s defense industry are believed to have been involved in the weapons diversion activity. Congressman Waxman is regarded as close to Israel’s principal lobby, AIPAC, and even promised Jewish voters back in November 2006 that there would be no Democratic congressional committee chairmen involved with Middle Eastern policy who were not completely supportive of Israel.

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"Are you leaving or staying?" If the notables refused to help the rebels, would the army protect them from reprisals? The army had always answered, "France remains and will remain," Soustelle wrote. He concluded, "So don't let anyone say that in committing themselves the officers committed only themselves. It was the whole army that made that oath, an oath that no one had the right or power to untie." This powerfully emotive argument was impossible for many French officers to ignore and explains how perilous de Gaulle's process of disentanglement would prove to be.

He began the task the following year. His cabinet was roughly evenly divided. His prime minister, longtime Gaullist Michel Debré, was an Algérie Française hawk. Even his closest ministers could only guess at de Gaulle's own thinking. In September 1959, he spoke of Algerian "self-determination"—a process whereby the Algerian people would choose, through universal suffrage ballot, between independence, which he depicted as "cruel and impoverished," a formal linking to France, or some less binding form of association. The FLN recognized that with these words, de Gaulle had acknowledged the legitimacy of their aim.

From that point forward, de Gaulle's main adversary was the French Right. General Massu, the hero of the Battle of Algiers, denounced de Gaulle as a "man of the Left" in January 1960, and in the next two years de Gaulle faced down two coup attempts instigated by *pied noirs* allied with high-ranking dissident officers. He could not have squelched both without taking to the airwaves, appealing in a visceral and heartfelt language to the French people on television and to the army's enlisted men, who heard him on transistor radios. Their loyalty, he intoned, was to France, not to their commanders. Both coups were

close-run things; both could have easily succeeded, giving France a Franco-style military dictatorship and slow bleed in Algeria that might have endured for a decade or more.

De Gaulle fashioned a referendum to legitimize the path of negotiations he had embarked upon, and by 1961, the French people overwhelmingly backed "the bill concerning self-determination." He remained utterly, coldly realist: he did not want the Algerians to become part of France any more than the FLN wanted to. (In 1959, he privately remarked that under the full integration with France envisioned by some partisans of Algérie Française, his native village of Colombey-Les-Deux-Eglises would be turned into Colombey-Les-Deux-Mosquées.)

HE REMAINED UTTERLY, COLDLY REALIST: **HE DID NOT WANT THE ALGERIANS TO BECOME PART OF FRANCE** ANY MORE THAN THE FLN WANTED TO.

Rhetorically zigging and zagging, conscious always that he needed to maintain a certain baseline of military support to survive in power, de Gaulle moved toward negotiations with the FLN. After the collapse of the second coup attempt in 1961, the army and settler diehards of French Algeria formed their own terrorist organization, the Organisation Armée Secrète, and set out to assassinate de Gaulle while fomenting as much chaos as possible within Algeria to render the colony ungovernable. To what end? The best they could imagine was that some sort of apartheid solution could be created in Algeria. Some styled themselves a sort of *pied-noir* Hagganah. The broader strategy was never clear. But such was the rage against de Gaulle, and the number of officers who felt betrayed by him, that the OAS could carry out actions in both France and Algeria for over a year. They

barely missed de Gaulle several times, and their terrorist "successes" in Algeria so poisoned the atmosphere that no settlers could remain there after independence. They brought terror to France as well. Jean Paul Sartre survived when a bomb meant for his apartment was placed on the wrong floor. André Malraux, the novelist who was de Gaulle's culture minister, was a target as well, but a plastique intended for him maimed a four-year-old girl instead. By the end, OAS activities only increased the majority of Frenchmen who just wanted to be done with Algeria.

This Algeria fatigue was a sentiment de Gaulle nurtured, coaxing it along with his rhetoric. Asked at a press conference in 1961 whether the withdrawal of France from Algeria would open the colony to

exploitation by the Soviet Union and the United States, he replied, with lofty formality, "I hope they both enjoy themselves there." Or again, at a 1961 press conference, "Algeria costs us, it's the least one can say, dearer than she brings in. ... In sum, decolonization is in our interest, and consequently, our policy."

At the final cabinet meeting, signing off on a negotiated settlement that essentially met all of the FLN demands (including the ceding of the disputed oil and gas rich Sahara), André Malraux declared that the end of the war marked a sort of liberation of France. Debré, overcome with emotion and still a fierce partisan of Algérie Française concurred, "It's a victory over ourselves." De Gaulle concluded, "It was vital to free France from a situation that had brought her so much misfortune." No one in authority had any illusions that the agreements would be airtight in their application or

that the new Algeria would be any better than a revolutionary totalitarian regime.

Freed of its colony, France quickly began to modernize its own economy (which grew at an amazing 6.8 percent in 1962 after the armistice). Algeria remained full of French teachers, doctors, and technicians. The French constructed a flattering narrative for themselves: they had “given” Algeria its independence because they wanted to, thus providing for the world a model for decolonization and modernization.

To the surprise of few, a darkness descended on Algeria. The first victims were the harkis, those who had served in the French army. Perhaps as many 100,000 were slaughtered, often with great sadism, being made to swallow their French medals before execution. Then the revolution turned on itself: Ben Bella, the country’s first president, spent most of the 1960s in an Algerian prison, as he had spent much of the 1950s in a French one. But France was done with it.

So how could the Algerian war not speak to us? Its example has long resonated in Israel, and many even hoped that Sharon—a successful military man of the Right—could do what no liberal Israeli leader could accomplish and withdraw Israel from the West Bank.

But now its lessons are dear to America as well as we search the horizon for a leader who can explain to the country—especially to the military and to the Republican Party—that its destiny doesn’t lie in the long-term occupation of Arab lands. The rhetoric that justifies the Iraq War as part of colossal battle against “Islamofascism” could be lifted almost directly from the French colonial intellectual slogans of the 1950s—and is no less self-deluding. To leave Vietnam, America needed a man of the Right, Richard Nixon. Today, when we need our own de Gaulle to achieve a “victory over ourselves,” we don’t even have a Nixon. ■

Reality Cinema

Soldiers armed with cameras make gritty, if conflicted, auteurs.

By Michael Brendan Dougherty

The popular D.C. rock club, the Black Cat, is a place young Washingtonians go to forget about politics. Among indie-rock aficionados, it is known for introducing alternative bands to the federal city before they get their big break or, more likely, break up. But lately, instead of dancing to punk music, hipsters in tight black jeans and horn-rimmed glasses are sitting down with their pints of Guinness to take in a movie.

The documentary being screened, “The War Tapes,” is composed of footage captured by three New Hampshire National Guardsmen while they were stationed in Iraq in 2004. The opening scene takes place in Fallujah as troops clear out buildings after the bombardment of the insurgent-controlled city. The audience isn’t quite sure how the camera is attached to the soldiers’ gear, but the perspective is eerily like that of a video game: a gun juts out from the bottom of the screen. The squad enters a building. Ambush! The gunfire is overwhelming, and the camera jerks desperately to the right, searching for the source of the attack. This audience has probably spent hundreds of hours watching action films, but no Hollywood tricks can capture the kinetic energy of having the cameraman battle for his life.

This frantic scene dissolves into the opening credits, and we are introduced to our three subjects—Sgt. Steve Pink, Sgt. Zack Bazzi, and Spec. Mike Moriarty, who were offered cameras to document

their experience. Director Deborah Scranton assembled the documentary out of the tapes she received from the soldiers interspersed with footage of family members at home.

The soldiers’ politics are only glancingly referred to in the film. Pink laughingly pointed out that his decision to join the Guard was less than well thought out: “I saw this poster ... and I needed help with tuition and I made a rash decision.” Bazzi reads *The Nation* even while on base and constantly refers to his love of being a soldier. Moriarty drove himself to Ground Zero in 2001 to film the debris and demanded of his military recruiter, “You slot me into a unit only if it will go into Iraq.” All three were stationed in the Sunni Triangle at Camp Anaconda, which soldiers commonly call “Mortaritaville.” They spend their time guarding convoys of contractor trucks and dreading IEDs.

Sergeant Pink is humanized through his expressive writing. Pictures of carnage are narrated with excerpts from his diary, in which he compares flesh hanging off bones to cheese sliding off pizza. While some audience members hissed when “Halliburton” was mentioned, the soldiers’ words were treated with silent respect, no matter how much they offended our civilian sensibilities. Recalling the broken bodies of insurgents being eaten by dogs, Pink said he didn’t want to stop them: “I’m glad these guys are dead. Let [the dogs] fill their bellies.”

Moriarty scored points with the Black Cat crowd for his droll humor and affection for Iraqi children. As a teenager approaches the base to sell some exotic-looking knives, Moriarty teases, "Tell your uncle, stop setting up IEDs; start selling knives instead." Though he returned home with long-term disabilities, Moriarty expresses no regret: "I'm so glad I went. I hated it with a godawful passion, and I will not go back. I have done my part and I feel like it's someone else's turn. My views of the war haven't changed..." The audience witnesses the strain combat has put on him and on his marriage. Referring to his short temper, his wife plaintively says to the camera that war "had changed him. ... There are days I don't like him but I love him." Perhaps to the disappointment of such an antiwar audience, Moriarty sums up his feelings by saying, "Let's all stop crying about whether we had reason to go in there or not because we can fight about that forever. It's a done deal. We're in Iraq. Support what it takes to make this thing work or shut up."

HE STILL SPEAKS PROUDLY BUT WITH A HINT OF SADNESS: "I LOVE BEING A SOLDIER. THE ONLY BAD THING ABOUT THE ARMY IS YOU CAN'T PICK YOUR WAR."

Bazzi speculates that only a half dozen guys in Charlie company voted against Bush "and none of them talk about it." As he watches a KBR truck unload human waste into a field, he jokes that he has been sent to Iraq to "bring democracy and good vegetation." When he returns home, he still speaks proudly but with a hint of sadness: "I love being a soldier. The only bad thing about the Army is you can't pick your war." This sentiment closes the film.

It won Best International Documentary awards at both the Tribeca and Britdoc film festivals and been positively reviewed across the political spectrum.

Each reviewer seems to find support for his own views. Kevin McCarthy enthused in *The Nation*, "A film shot by US soldiers in Iraq and sanctioned by the military may turn out to be the most powerful statement yet against the Iraq War." But in *The Weekly Standard*, Michael Fumento testified in favor of this "desperately-needed antidote to the mainstream media-produced baloney broadcast daily into our homes."

The filmmakers insist that they tried to tell a story about these soldiers regardless of politics. "I believe the power of film, image and sound, is in its ability to evoke empathy," said director Deborah Scranton. "If war negates humanity, then film—especially film that shows war from the inside—can ensure that even when we fight, we hold on to and bear witness to our humanity." That's a sentiment with which Robin Bell, the organizer of the Black Cat event, can wholeheartedly agree.

Bell is a videographer and visual artist. Not one to make a spectacle of himself, he thanked everyone for

coming and promptly said, "I'm going to shut up and put on a trailer."

Asked whether these screenings would induce some members of the audience to become antiwar activists, Bell speculates, "I don't know if people wake up the next day and do something dramatic. They may have some idea that Halliburton is in Iraq, but when they are able to see what that means ... they can make a more well-informed statement." When it's pointed out that "The War Tapes" doesn't have an explicitly antiwar message, Bell isn't fazed: "The films speak for themselves. If it's really well made, a movie gets

passed along. It drops into people's everyday conversation." For Bell, the screenings can't be directly compared to Vietnam-era teach-ins—he archly points out that this more didactic tradition of activism "still exists across the spectrum. The Religious Right does that all the time—usually on Sundays."

Many progressive groups have started screening documentaries to raise awareness on their issues. "Sir, No Sir," which chronicles dissent spreading through the ranks of the Vietnam era Armed Services, is being shown at college campuses, churches, and community groups around the country almost every week. Last year, one screening in Norfolk, Virginia led active-duty soldiers to organize their own antiwar movement.

Michael Moore's "Fahrenheit 9/11" and Al Gore's Oscar success with "An Inconvenient Truth" have raised the profile of political films, and even the Right is attempting to get into the act. Former senator Rick Santorum plans two film projects—one documenting American cultural decline, the other tying "Islamic fascism" to radical elements of the global Left.

But sweeping cultural change seems to be far from Robin Bell's mind. His political concern for social justice is serious, but he has incorporated it into his passion for cinema. Looking to the future of Resistance Theatre, he cites David O. Russell's 1999 film, "Three Kings," which was set in the first Gulf War. But his voice rises sharply when he speaks about Lewis Milestone's "All Quiet on the Western Front." Just viewing the 1930 masterpiece, Bell says, "can raise awareness of the effects of war. The story behind it is amazing." Bell talks about these films like a teenager gushes about his latest crush. For him, these aren't just important works or vehicles for political expression—they are beloved friends, and he cannot wait to introduce them to others. ■

A Poodle Shall Lead Him

Much as the British PM is derided as the U.S. president's pet, Blair popularized his "ethical foreign policy" long before Bush fell under the neocon spell.

By **Brendan O'Neill**

LONDON—On both sides of the Atlantic, it has become fashionable to refer to British Prime Minister Tony Blair as President George W. Bush's "poodle." Where the leaders of other European states, most notably France and Germany, snubbed Bush's bombardment of Iraq, Blair stood shoulder-to-shoulder with the president, yapping his approval of his master's destruction of the Ba'athist regime.

In Britain, at least, you cannot open a newspaper or a magazine without reading that Blair is the president's panting pet. Last year, following the embarrassing overheard conversation between Bush and Blair at the G8 gathering in Russia—where the president greeted the PM with the words "Yo, Blair!" and thanked him for the sweater he gave him—a writer for the *Guardian* said Blair had become Bush's "servant." It is clear, said Ros Taylor, that Bush "exploits" the "feeble Blair."

Under the headline "Yo, Bush! Start Treating Our Prime Minister With Respect," the tabloid *Daily Mirror* said the unguarded exchange reinforced "the damaging public image of Blair as the US President's poodle." A new book by the British writer Geoffrey Wheatcroft titled *Yo, Blair!*, published this month, argues that the consequence of Blair's slavish relations with Bush is that British politics, if not British land, has become colonized by the neocons.

When Blair meekly lined up with the Bushies to support Israel's bombing of

Lebanon last summer, the British left-leaning weekly *The New Statesman* demanded, "Unhitch us from the Bush chariot." The magazine spoke for many in the latte-drinking classes when it warned against allowing Bush to continue "to set the bearings of our moral compass."

In popular culture, too, Blair is blasted for sucking up to Bush. In 2005, the Pet Shop Boys, those aging survivors of 80s synthesizer pop, had a hit with "I'm With Stupid," in which they imagined Blair thinking of Bush in the following terms: "See you on the TV / Call you every day / Fly across the ocean / Just to let you get your way." In short, Blair is the sycophant in chief to the commander in chief. The British film "Love, Actually" had Hugh Grant playing a posh, slightly dithering but affable PM blatantly based on Blair—only this PM distanced himself from the American president (played by a sneering Billy Bob Thornton) in scenes that were cheered in some British cinemas.

It is of course true that Blair has been unquestioningly supportive of the Bush administration's disastrous war in Iraq. He has recently announced that British troops will start withdrawing, but alongside Australia's John Howard, Blair has been one of a dwindling number of world leaders that Bush has been able to rely upon to provide an internationalist gloss to America's wars.

So isn't it accurate to portray Blair as an obedient, fetching pup to Bush's rotweiler? Not at all, in my view. Indeed,

one might argue that Bush is Blair's poodle. Many of the worst aspects of the Bush Doctrine—its reduction of world affairs to a black-and-white tableau of good and evil; its disregard for state sovereignty; its cynical claim to be acting in the interests of humanity—were inherited by the neoconservatives from Blair's "ethical foreign policy" of the 1990s.

Tagging Blair a "poodle" absolves him of responsibility for his key role in creating today's attack-dog militarism. For while he may have been a nodding dog over the Iraq War, he also helped to shape what has come to be known as the Bush Doctrine.

Blair was executing bloody wars of intervention for years before the neocons took the White House in 2001. He stormed to power in the British general election of 1997 on a ticket of cleaning up Parliamentary politics at home (following years of "sleaze scandals") and fixing other people's problems overseas. He announced that his government would pursue an "ethical foreign policy," one that was proactive, interventionist, and would do battle with "wickedness" wherever it lurked.

Blair was a key architect of the NATO-led bombing campaign of Yugoslavia in 1999. Where President Bill Clinton provided the military muscle for that war, which killed 600 civilians in Yugoslavia and left large parts of the country in ruins, Blair is widely regarded as its author and salesman. Blair also sent British troops to Sierra Leone. In 1998, he and Clinton

bombed Iraq, on the dubious grounds that it had WMD that posed a threat to world peace, a full five years before Blair did so again with Bush in 2003.

These pre-Bush wars not only show that Blair is perfectly capable of launching bloody crusades without first being schmoozed by Bush over a beer at his Texas ranch, they also paved the way for the Bushies' new and lethal style of warmongering. Blair, under Clinton's approving eye, effectively wrote the script for today's wars against "evil," which are apparently about "liberating" people from tyranny.

Many of us rightly lambast Bush for two aspects of his foreign policy in particular: his cynical and pseudo-religious view that the world can be divided into Good (America and its friends) and Evil (everyone else) and his cowboyish and cavalier attitude toward the sovereign integrity of other states. Both of these traits he inherited from Blair.

The neocons have a reductionist view of the world in which you're either "with us or against us." As Peter Singer points out in his book *The President of Good and Evil*, "No other President in living memory has spoken so often about good and evil, right and wrong." Singer says Bush talked about evil in 319 speeches between taking office in 2001 and June 16, 2003 (or in 30 percent of all the speeches he made) and that he most often mentioned the E-word in relation to foreign affairs, where he doesn't only speak about "evil deeds, or even evil people, [but] evil as a thing, a force."

It was Blair who first injected international relations with this simplistic and lethal new moralism. Blair's "ethical foreign policy" was underpinned by powerful ideas of good and evil. During the NATO bombing of Yugoslavia in 1999, for which Blair took prime propagandistic responsibility, the PM announced a new kind of military interventionism in pursuit of "what is right." Declaring that

"we are fighting not for territory but for values," Blair said the NATO campaign was "a battle between good and evil; between civilisation and barbarity; between democracy and dictatorship."

In 2002, Bush, in a speech about the war on terror, borrowed directly from such Blair-speak, though he was, if anything, more modest than Blair had been: "Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree. ... There can be no neutrality between justice and cruelty, between the innocent and guilty. We are in a conflict between good and evil, and America will call evil by its name."

One of the most dangerous things about the neocons' militarism is its deeply moralistic streak. Where older forms of military interventionism were at least grounded in *realpolitik*, anchored by specific aims and desired outcomes, the new interventionists who blindly believe they have right on their side can do pretty much anything they please—including bombing cities in the name of liberating them. Tony Blair was an early moralizer of international relations, and George W. Bush is following in his path.

The neocons also infamously care little for the sovereign rights of other states. If they believe that a threat is lurking within another country's borders—however imaginary that threat might be—they will think little of crossing those borders, toppling the authorities, and occupying the land. Here, too, they seem to have been inspired by Blair. In the 1990s, the British PM did much to undermine the sanctity of sovereign equality in international relations and to make it easier for the "international community" to intervene where it saw fit.

In April 1999, he gave a speech at the Chicago Economic Club in which he called for a decisive move away from the old UN emphasis on respecting

nations' independence and toward more proactive forms of military intervention to topple "regimes that are undemocratic and engaged in barbarous acts." This became known as the "Chicago doctrine," and it is known to have had a significant impact both on Clinton and the neocons who were then waiting in the wings.

Since the end of the Second World War, the United Nations upheld that all states had sovereign rights that could only be violated by other states in self-defense; that is, the world was built around noninterventionism. Blair sought to rewrite the script. He argued, "Where a population is suffering serious harm as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling to halt or avert it, the principle of non-intervention yields to the international responsibility to protect."

These same arguments have been adopted by the neocons. Like Blair before them, they talk of their responsibility to intervene in states that are allegedly repressing their own people or harboring forces that threaten American security. Even the neocons' focus on pre-emptive action to defeat threats before they can emerge echoes the arguments of Blairism. When Vice President Dick Cheney said of Iraq, "The risk of inaction is far greater than action," he echoed Blair's claim during the NATO bombing of Yugoslavia that "inaction" is the greatest evil in world affairs.

Blair is no poodle. Rather, his "ethical foreign policy" should be seen as the midwife of Bush's dangerous interventionism. The neocons have taken on board Blair's war-speak and pushed it even further. Bush's bloody warmongering looks to me like Blair's "humanitarian militarism" let off its leash. ■

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Tuning Out Free Speech

Mandating broadcast balance makes a casualty of the First Amendment.

By Jesse Walker

IN THE NAME of liberating speech and promoting what he calls the “uninhibited marketplace of ideas,” Congressman Dennis Kucinich may be ready to revive a rule with a long record of stifling speech and inhibiting the exchange of ideas. Speaking in Memphis this past January, the Ohio Democrat, who now chairs the Domestic Policy Subcommittee of the House Oversight and Government Reform Committee, declared “the media has become the servant of a very narrow corporate agenda” and pledged to hold hearings on media reform. One of the topics on the table: whether to revive the Fairness Doctrine, a long-dead rule requiring broadcast licensees to “afford reasonable opportunity for discussion of conflicting views on matters of public importance.”

Kucinich insists that he isn’t necessarily endorsing a return to the Fairness Doctrine but merely wants to review the effects of repealing it 20 years ago. Taking him at his word, I’ll let him know right now what a fair inquiry will reveal.

The wording of the Fairness Doctrine may sound mild and unobjectionable, but when it was in effect, it gave politicians and pressure groups a tool to harass any station that transmitted views they found disagreeable. Even when it wasn’t being deliberately deployed to suppress speech, it made broadcasters less willing to present ideas that might be controversial. And the chief effect of removing it was a renaissance in opinionated broadcasting—not just by conservatives but by a host of populist voices that were once marginalized on

the airwaves. If Kucinich thinks the media is a servant of a narrow corporate agenda today, rest assured that there will be even less variety on the air if the Fairness Doctrine is restored.

The doctrine became law in 1949, but its roots predate the creation of the Federal Communications Commission. When the FCC’s predecessor, the Federal Radio Commission, was born in 1927, its first task was to decide which stations would be allowed to broadcast on an increasingly crowded radio spectrum (or, more accurately, on that small segment of the spectrum where the feds were allowing people to broadcast). It decided to favor “general public service” stations with no particular point of view over “propaganda” stations with a distinctive outlook, arguing that there simply wasn’t space “in the broadcast band for every school of thought, religious, political, social, and economic, each to have its separate broadcasting station, its mouthpiece in the ether.” In practice, this meant an inoffensive commercial station affiliated with a network would get precedence over a nonprofit outlet run by a church, union, or civic institution. That, in turn, meant a general shortage of lively, controversial speech.

Chicago’s WCFL, for example, began as an experiment that would have warmed Kucinich’s heart: a listener-supported station run by the Chicago Federation of Labor, mixing entertainment aimed at working-class listeners with left-wing news and commentary. The Federal Radio Commission judged it a “propaganda” outlet and regulated it

accordingly, forcing it to change frequencies and, eventually, to stop broadcasting in the evening hours. With its audience shrinking, it got fewer contributions and found it harder to pay the bills. Finally, it gave up and became a standard commercial station. In that form, it was an enormous success. But the number of opinions available on the airwaves shrank.

It was in that same frame of mind that the regulators declared, in a 1928 warning to a station owned by the Socialist Party, that broadcasters must show “due regard for the opinions of others.” That guideline was formalized as the Fairness Doctrine in 1949. It, too, was a handicap for broadcasters with a point of view.

Under the new rule, the first group to feel a sustained series of blows was the anticommunist Right. In December 1961, Walter and Victor Reuther of the United Auto Workers, together with the liberal lawyer Joseph Rauh, wrote a 24-page memorandum to Atty. Gen. Bobby Kennedy. The memo urged the administration to deploy the FBI, the IRS, and, yes, the FCC to win “the struggle against the radical right,” which to the Reuthers included not just the John Birch Society and the Christian Crusade but Sen. Barry Goldwater and the libertarian Volker Fund. The FCC, the authors wrote, “might consider examining into the extent of the practice of giving free time to the radical right and could take measures to encourage stations to assign comparable time for an opposing point of view on a free basis.”

When word of the memo reached the press, the attorney general would deny that he had even read it. But the Kennedy and Johnson administrations clearly understood the ways the Fairness Doctrine could be used not just to assure “comparable time for an opposing point of view” but to get dissenting views off the air altogether. In his 1976 book *The Good Guys, the Bad Guys, and the First Amendment*, former CBS president Fred Friendly quoted Bill Ruder, an assistant secretary of commerce under Kennedy and a PR consultant during Johnson’s presidential campaign, on the advantages of the regulation. “Our massive strategy,” Ruder said, “was to use the Fairness Doctrine to challenge and harass right-wing broadcasters and hope the challenges would be so costly to them that they would be inhibited and decide it was too expensive to continue.”

One party operative, Martin Firestone, reported to the Democratic National Committee that the “right-wingers operate on a strictly cash basis and it is for this reason that they are carried by so many small stations. Were our efforts to be continued on a year-round basis, we would find that many of these stations would consider the broadcasts of these programs bothersome and burdensome (especially if they are ultimately required to give us free time) and would start dropping the programs from their broadcast schedule.” He would later tell Friendly, “Perhaps in the light of Watergate, our tactics were too aggressive, but we were up against ultra-right preachers who were saying vicious things about Kennedy and Johnson.”

At the same time, some activists on the Right were finding their own uses for the law. In Seattle, a maverick broadcaster named Lorenzo Milam had started a noncommercial station called KRAB. Milam had previously worked for Berkeley-based Pacifica Radio and loved their diverse musical programming but was

disenchanted with their political lineup, which he found increasingly monochromatic and “Stalinist.” At KRAB, he went out of his way to program every conceivable political perspective; it is surely the only station where the Socialist Workers Party and the John Birch Society shared a timeslot, alternating commentaries from week to week. Nonetheless, some local conservatives threatened Milam with a Fairness Doctrine challenge, even

15 editorials criticizing his city government. The commission didn’t find any violation of the Fairness Doctrine. When Mayor Maier asked the courts to force the regulators’ hand, they also sided with the station. But in the meantime, the broadcasters had run up a legal bill of \$17,000 defending themselves.

With such outcomes in the offing, the result was a general chilling effect. In a column earlier this year, civil libertarian

TWENTY-ONE TIMES DURING THE **INTENSE ANTIWAR DEMONSTRATIONS OF** OCTOBER 1969, **NIXON TOLD HIS UNDERLINGS** TO TAKE “SPECIFIC ACTION RELATING TO WHAT COULD BE CONSIDERED **UNFAIR NETWORK NEWS COVERAGE.**”

though their views were welcome on the station. Presumably they were offended that KRAB would allow leftists to speak at all.

When a Republican administration took office in 1969, it, too, found the Fairness Doctrine a convenient tool. (Ruder, the Kennedy appointee who spoke so frankly about his efforts to inhibit conservative broadcasters, soon found himself on Richard Nixon’s enemies list. Harassment is a two-edged sword.) Private activists directed by the Republican National Committee regularly filed Fairness Doctrine challenges against stations whose reporting angered the White House, and Nixon staffers found they could intimidate network officials merely by threatening to challenge their licenses if their coverage was deemed “unfair.” Twenty-one times during the intense antiwar demonstrations of October 1969, Nixon told his underlings to take “specific action relating to what could be considered unfair network news coverage.”

Even when a complaint was shot down, it could have an effect. In 1981, Milwaukee Mayor Henry Maier asked the FCC to intervene after WTMJ-TV ran

Nat Hentoff remembered his days as a reporter at a Boston station in the ’40s and ’50s. “When official Fairness Doctrine letters came to the station’s owner from the FCC, the front office panicked,” he wrote. “Lawyers had to be summoned; tapes of the accused broadcasts had to be examined with extreme, apprehensive care; voluminous responses to the bureaucrats at the FCC had to be prepared and sent. After a number of these indictments from Washington arrived at WMEX, the boss summoned all of us and commanded that from then on, we ourselves would engage in no controversy at the station.”

The Fairness Doctrine’s most famous victim was Red Lion Broadcasting, the company that operated WGCB—the initials stood for “Word of God, Christ, and the Bible”—in southeastern Pennsylvania. On Nov. 25, 1964, it aired a broadcast by the Tulsa-based evangelist Billy James Hargis, who would go on to produce a book called *Is the School House the Proper Place to Teach Raw Sex?* and, still later, to fall into disgrace after students at his American Christian College accused him of using his schoolhouse to teach them raw sex. At the time, though,

he was one of the leading voices of the Religious Right, and he used his time slot to attack the liberal reporter Fred Cook. When Cook demanded a right to reply, the station offered to sell him 15 minutes of airtime for \$7.50, the same price Hargis had paid for his 15 minutes, but Cook wanted free access. The FCC told Red Lion that it had to give Cook what he wanted. Red Lion took the government to court, arguing that the order violated the station's First Amendment rights.

The case eventually reached the Supreme Court, which ruled in 1969's *Red Lion v. FCC* that the Fairness Doctrine is consistent with the First Amendment because the "First Amendment does not protect private censorship by broadcasters who are licensed by the Government to use a scarce resource which is denied to others." Writing for the majority, Justice Byron White announced that the "danger that licensees will eliminate coverage of controversial issues" was "at best speculative," and argued that the important rights in question belonged to "the viewing and listening public," not the people speaking on the air.

He also echoed the Federal Radio Commission's original rationale for preferring "general public service" stations to "propaganda" outlets. "Where there are substantially more individuals who want to broadcast than there are frequencies to allocate," wrote White, "it is idle to posit an unbridgeable First Amendment right to broadcast comparable to the right of every individual to speak, write, or publish."

Red Lion remained law until the Reagan era, when the FCC studied the effects of the doctrine and issued a blistering report in 1985. In practice, the agency found, the rule "actually inhibits the presentation of controversial issues of public importance." Two years later, the regulation was repealed.

The result was a renaissance of opinionated, controversial broadcasting, in the form of the talk-radio boom. Suddenly it was far less risky to put political programs on the air. It was even profitable. The new talk shows tended to tilt to the Right, and they played a key role in the Republican victories of 1994. But not everyone was a Red Team loyalist. In 1996, for example, nearly 70 hosts, some quite prominent, endorsed the Libertarian Party's presidential candidate.

Talk radio's very format encouraged audiences to stop their passive listening, pick up the phone, and join the conversation; while some hosts prefer to bully dissenting callers, others welcome the debate. And while the form certainly has its limits, it helped pave the way for the even more diverse and participatory world of the blogosphere.

A revived Fairness Doctrine wouldn't just rein in the Fox-style right-wing shows that irk people like Dennis Kucinich. It would deliver a harsh blow to the "progressive talk" format that has

emerged in the last few years as an alternative to Rush Limbaugh and his imitators. It would be a harsh blow, in fact, to any station that programs from a particular point of view. As in the '20s, the likely result would not be an increase in the opinions heard on the air but a decrease in the number of stations willing to air controversial opinions at all.

When Fred Friendly interviewed Reverend Hargis, the evangelist described the Fairness Doctrine as a law the "left-inclined use to keep the right wing off the air, and which the right wing uses to silence the left. What good is that? It can be used to keep everybody off the air." If that's what Kucinich wants, the Fairness Doctrine is a perfect tool to make the media even more homogeneous. If it isn't, he should drop this idea as promptly as possible. ■

Jesse Walker is managing editor of Reason and author of Rebels on the Air: An Alternative History of Radio in America.

Land of the Free

Private solutions propel the conservation boom.

By G. Tracy Mehan III

WILL ROGERS reportedly said, "Buy land. They ain't makin' any more of the stuff." This has long been sound advice for making money. Of late, it has also become a call for the conservation of nature and its supporting landscapes.

Throughout the nation, countless forests, prairies, farms, and ranches in the path of urbanization are being gobbled up in a real-estate boom that defies gravity. Intense development paves paradise at astonishing speed.

In the Chesapeake Bay watershed, encompassing parts of six states and the District of Columbia, population growth increased impervious surfaces—roads, sidewalks, parking lots, and roofs—from 611,017 to 860,004 acres between 1990 and 2000. At that rate, an additional 250,000 acres will become impervious by 2010 as exceptional economic growth and the quest for prime real estate usher in their usual attendants: traffic congestion, deforestation, polluted runoff, and

the loss of natural systems—terrestrial and aquatic.

The difficulty lies in mitigating the impact of an open and robust economy on land and water. How do we conserve the natural world without hobbling a free market and private property rights, which are the foundation of economic and civil liberties?

HOW DO WE CONSERVE THE NATURAL WORLD WITHOUT HOBBLING A FREE MARKET AND PRIVATE PROPERTY RIGHTS?

Many conservationists bemoan the lack of federal solutions to the challenge of land development, especially in the coastal counties where more than 50 percent of Americans live. But their Beltway blinders leave them oblivious to countervailing movements—one based in the private sector, the other in state and local government—that are gaining momentum.

Across the country, a proliferation of private land trusts protects an increasing amount of acreage through free-market tools including conservation easements, outright purchase, and civic education. The trend taps deep principles in the American tradition: philanthropy, collaboration, and social solidarity, which overcome the tension between individualism, insufficient for the task of stewardship on the scale of landscapes or watersheds, and government regulation.

In 1949, ecologist Aldo Leopold published a collection of essays, *A Sand County Almanac and Sketches Here and There*, in which he called for a “land ethic,” a moral guide for individual landowners in the stewardship of their property for the benefit of themselves, human and natural communities, and future generations. He sought to ensure “land health,” which he envisioned as allowing for “self-renewal” in the soils,

water, plants, animals, and people across the landscape.

According to Professor Eric T. Freyfogle of the University of Illinois College of Law, Leopold had to confront the mismatch of benefits and costs of private conservation: the benefits were spread mostly throughout the community, but the costs remained with the landowner.

He cites an unpublished manuscript, *Conservation and Politics*, in which Leopold vents his frustration over the lack of success in getting private landowners to practice conservation absent the subsidies or coercion of government programs:

‘How can private landowners be induced to use their land conservatively?’ Leopold repeatedly asked himself. ‘This question heretofore determined only the choice of method for executing a conservation program (for example, the choice between education, subsidy, compulsion, or public ownership). Now, it seems to me, it takes rank with technological unemployment as one of the critical tests of “The American Way.”’

Besides misconstruing the impacts of technology on overall employment, Leopold fell prey to a false, binary choice between government intervention and exclusively individual action. He would have benefited from a familiarity with Alexis de Tocqueville, one Frenchman who will never go out of fashion in this country.

In his 1835 masterpiece, *Democracy in America*, Tocqueville discerned the American genius for forming voluntary associations, intermediate institutions

that mediate between lone individuals and centralized government:

Americans of all ages, all conditions, and all dispositions constantly form associations. They have not only commercial and manufacturing companies, in which they take part, but associations of a thousand other kinds, religious, moral, serious, futile, general or restricted, enormous or diminutive. The Americans make associations to give entertainments, to found seminaries, to build inns, to construct churches, to diffuse books, to send missionaries to the antipodes; in this manner they found hospitals, prisons, and schools. If it is proposed to inculcate some truth or to foster some feeling by the encouragement of a great example, they form a society. Whenever at the head of some new undertaking you see the government in France, or a man of rank in England, in the United States you will be sure to find an association.

The incredible growth of the private land-trust movement is overcoming Leopold’s dilemma consistent with Tocqueville’s insights into the American character. It is the collaboration of private actors utilizing voluntary means to achieve socially beneficial goals.

The first land trust was established in 1891, in Massachusetts, by the landscape architect Charles Eliot, to preserve 20 acres of woodland. By 1950, there were still only 53 such trusts in 26 states. Today, there are trusts or conservancies in all 50 states, the District of Columbia, and Puerto Rico.

The recent 2005 National Land Trust Census, released Nov. 30, 2006, breaks all previous records. Total acres conserved by local, state, and national trusts has doubled to 37 million acres

over the past five years—an area 16 times the size of Yellowstone National Park. Moreover, the number of land trusts has grown to 1,667, a 32 percent increase, over the same period.

State and local land trusts, excluding large national organizations such as The Nature Conservancy or the Conservation Fund, doubled their conservation acres from 6 million to 11.9 million acres, an area twice the size of New Hampshire—an impressive indicator of the local character of this trend.

The census further reveals that state and local land trusts increased acreage protected by conservation easements by 148 percent. These easements—particularly beneficial to family farmers who seek to conserve working farms, ranches, or timberlands—are voluntary agreements that allow owners to

Fortunately, the census found that over \$1 billion in endowments have been established, and the average annual operating budget of land trusts increased 63 percent as of 2005.

An example of such expanded stewardship efforts, beyond simply purchasing land and easements, is the Growing Native program of the Potomac Conservancy, where I serve on the board of directors. This past year, with the support of Ford, over 6,000 volunteers collected 23,000 pounds of hardwood acorn seeds for reforestation efforts throughout the watershed.

The other grassroots conservation movement gaining ground, so to speak, is a consequence of America's federal system, which protects the vital sphere of state and local government. Here the proximity of neighbors and a sense of

As with the land-trust movement, this wave of local conservation funding has a long pedigree in the United States. In 1896, Seattle developed a long-term plan to gain ownership of the entire Cedar River Watershed to protect its major drinking water sources. It now owns 100,000 acres and is restoring old logging roads to reduce sediment running off into its water supply. And in 1892, New York created Adirondack Park, six million acres divided between protected areas and private land.

The efflorescence of grassroots conservation represents an affirmation of the nation's articulated federal system and the principle of subsidiarity. Like the burgeoning trust movement, it recognizes that the protection of landscapes and watersheds is not Washington's exclusive responsibility or prerogative.

Fifty-eight years have passed since Aldo Leopold summoned Americans to embrace a land ethic in an attempt to reconcile the conflict between John Muir's preservationism and Gifford Pinchot's utilitarianism at the core of the early conservation movement. Pinchot, the first chief of the U.S. Forest Service, saw conservation primarily as the scientific management of public lands by the federal government. But Leopold pined for a private ethic of stewardship on the part of individual landowners.

He may finally be getting his wish, as we witness the success of collaborative efforts of conservation, private and non-federal in character. ■

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IF THE NATION'S LAND TRUSTS MAINTAIN THE CURRENT RATE OF 6 MILLION NEW CONSERVED ACRES IN FIVE YEARS, A TOTAL OF 43 MILLION ACRES COULD BE CONSERVED BY 2010, AN AREA THE SIZE OF FLORIDA.

retain rights to the land while restricting development. They also provide substantial tax incentives. This may partially explain why the American West is the fastest-growing region for land protection.

If the nation's land trusts maintain the current rate of 6 million new conserved acres in five years, a total of 43 million acres could be conserved by 2010, an area the size of Florida. By 2015, 49 million acres would be conserved. "Given the exponential growth we have seen historically and in this latest five-year period, these projections can be characterized as conservative," the census reports.

But buying land and easements is only part of the challenge. Land trusts need to manage that land and honor their responsibilities of stewardship.

place allow for freedom of action springing from an organic community consensus unimaginable in Washington.

The last election is a case in point. According to the Trust for Public Lands, there were 130 conservation funding measures on the ballot, of which 104 passed, authorizing \$6.4 billion in new funding—a success rate of 80 percent. This was the most money ever raised for conservation in a November election, and both red states and blue states joined in. Salt Lake County, Utah endorsed a \$48 million bond issue by 71 percent. Six city and county measures in Texas, totaling \$685 million for parks and conservation, won with more than 61 percent of the vote. Ravalli County, Montana, approved a \$10 million bond, 58-42 percent.

Working for the Clampdown

What might the president do with his new power to declare martial law?

By James Bovard

HOW MANY PIPE BOMBS might it take to end American democracy? Far fewer than it would have taken a year ago.

The Defense Authorization Act of 2006, passed on Sept. 30, empowers President George W. Bush to impose martial law in the event of a terrorist "incident," if he or other federal officials perceive a shortfall of "public order," or even in response to antiwar protests that get unruly as a result of government provocations.

The media and most of Capitol Hill ignored or cheered on this grant of nearly boundless power. But now that the president's arsenal of authority is swollen and consecrated, a few voices of complaint are being heard. Even the *New York Times* recently condemned the new law for "making martial law easier."

It only took a few paragraphs in a \$500 billion, 591-page bill to raze one of the most important limits on federal power. Congress passed the Insurrection Act in 1807 to severely restrict the president's ability to deploy the military within the United States. The Posse Comitatus Act of 1878 tightened these restrictions, imposing a two-year prison sentence on anyone who used the military within the U.S. without the express permission of Congress. But there is a loophole: Posse Comitatus is waived if the president invokes the Insurrection Act.

Section 1042 of the Defense Authorization Act of 2006 changed the name of the key provision in the statute book from "Insurrection Act" to "Enforce-

ment of the Laws to Restore Public Order Act." The Insurrection Act of 1807 stated that the president could deploy troops within the United States only "to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy." The new law expands the list to include "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition"—and such "condition" is not defined or limited.

These new pretexts are even more expansive than they appear. FEMA proclaims the equivalent of a natural disaster when bad snowstorms occur, and Congress routinely proclaims a natural disaster (and awards more farm subsidies) when there is a shortfall of rain in states with upcoming elections. A terrorist "incident" could be something as stupid as the flashing toys scattered around Boston last fall.

The new law also empowers the president to commandeer the National Guard of one state to send to another state for up to 365 days. Bush could send the Alabama National Guard to suppress antiwar protests in Boston. Or the next president could send the New York National Guard to disarm the residents of Mississippi if they resisted a federal law that prohibited private ownership of semiautomatic weapons. Governors' control of the National Guard can be trumped with a simple presidential declaration.

The story of how Section 1042 became law vivifies how expanding government power is almost always

the correct answer in Washington. Some people have claimed the provision was slipped into the bill in the middle of the night. In reality, the administration clearly signaled its intent and almost no one in the media or Congress tried to stop it.

The Katrina debacle seems to have drowned Washington's resistance to military rule. Bush declared, "I want there to be a robust discussion about the best way for the federal government, in certain extreme circumstances, to be able to rally assets for the good of the people." His initial proposal generated a smattering of criticism and no groundswell of support. There was no "robust discussion." On Aug. 29, 2006, the administration upped the ante, labeling the breached levees "the equivalent of a weapon of mass effect being used on the city of New Orleans." Nobody ever defined a "weapon of mass effect," but the term wasn't challenged.

Section 1042 was supported by both conservatives and liberals. Sen. Carl Levin (D-Mich.), the ranking Democratic member on the Senate Armed Services Committee, co-wrote the provision along with committee chairman Sen. John Warner (R-Va.). Sen. Ted Kennedy openly endorsed it, and Rep. Duncan Hunter (R-Calif.), then-chairman of the House Armed Services Committee, was an avid proponent.

Every governor in the country opposed the changes, and the National Governors Association repeatedly and loudly objected. Sen. Patrick Leahy (D-Vt.), the ranking Democrat on the

Senate Judiciary Committee, warned on Sept. 19 that “we certainly do not need to make it easier for Presidents to declare martial law,” but his alarm got no response. Ten days later, he commented in the *Congressional Record*: “Using the military for law enforcement goes against one of the founding tenets of our democracy.” Leahy further condemned the process, declaring that it “was just slipped in the defense bill as a rider with little study. Other congressional committees with jurisdiction over these matters had no chance to comment, let alone hold hearings on, these proposals.”

Congressional Quarterly's Jeff Stein wrote an excellent article in December on how the provision became law with minimal examination or controversy. A Republican Senate aide blamed the governors for failing to raise more fuss: “My understanding is that they sent form letters to offices. If they really want a piece of legislation considered they should have called offices and pushed the matter. No office can handle the amount of form letters that come in each day.”

Thus, the Senate was not guilty by reason of form letters. Plus, the issue was not on the front page of the *Washington Post* within the 48 hours before the Senate voted on it. Surely no reasonable person can expect senators to know what they were doing when they voted 100 to 0 in favor of the bill? In reality, they were too busy to notice the latest coffin nails they hammered into the Constitution.

This expansion of presidential prerogative illustrates how every federal failure redounds to the benefit of leviathan. FEMA was greatly expanded during the Clinton years for crises like the New Orleans flood. It, along with local and state agencies, floundered. Yet the federal belly flop on the Gulf Coast somehow anointed the president to send in troops where he sees fit.

“Martial law” is a euphemism for military dictatorship. When foreign democracies are overthrown and a junta establishes martial law, Americans usually recognize that a fundamental change has occurred. Perhaps some conservatives believe that the only change when martial law is declared is that people are no longer read their Miranda rights when they are locked away. “Martial law” means obey soldiers’ commands or be shot. The abuses of military rule in southern states during Reconstruction were legendary, but they have been swept under the historical rug.

Section 1042 is Enabling Act-type legislation—something that purports to preserve law-and-order while formally empowering the president to rule by decree. The Bush team is rarely remiss in stretching power beyond reasonable bounds. Bush talks as if any constraint on his war-making prerogative or budget is “aiding and abetting the enemy.” Can such a man be trusted to reasonably define insurrection or disorder? Can Hillary Clinton?

Bush can commandeer a state’s National Guard any time he declares a “state has refused to enforce applicable laws.” Does this refer to the laws as they are commonly understood—or the laws after Bush fixes them with a signing statement?

Some will consider concern about Bush or future presidents exploiting martial law to be alarmist. This is the same reflex many people have had to each administration proposal or power grab from the Patriot Act in October 2001 to the president’s enemy-combatant decree in November 2001 to the setting up the Guantanamo prison in early 2002 to the doctrine of preemptive war. The administration has perennially denied that its new powers pose any threat even after the evidence of abuses—illegal wiretapping, torture, a global network of secret prisons, Iraq in

ruins—becomes overwhelming. If the administration does not hesitate to trample the First Amendment with “free speech zones,” why expect it to be diffident about powers that could stifle protests en masse?

On Feb. 24, the White House conducted a highly publicized drill to test responses to IEDs going off simultaneously in ten American cities. The White House has not disclosed the details of how the feds will respond, but it would be out of character for this president to let new powers he sought to gather dust. There is nothing more to prevent a president from declaring martial law on a pretext than there is to prevent him from launching a war on the basis of manufactured intelligence. And when the lies become exposed years later, it could be far too late to resurrect lost liberties.

Senators Leahy and Kit Bond (R-Mo.) are sponsoring a bill to repeal the changes, but it is not setting the woods on fire on Capitol Hill. Leahy urged his colleagues to consider the Section 1042 fix, declaring, “It is difficult to see how any Senator could disagree with the advisability of having a more transparent and thoughtful approach to this sensitive issue.”

He deserves credit for fighting hard on this issue, but there is little reason to expect most members of Congress to give it a second look. The Section 1042 debacle exemplifies how the Washington establishment pretends that new power will not be abused, regardless of how much existing power has been mis-handled. Why worry about martial law when there is pork to be harvested and photo ops to attend? It is still unfashionable in Washington to worry about the danger of the open barn door until after the horse is two miles down the road. ■

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Arts & Letters

FILM

[*The Hoax*]

The Howard Hughes He Never Knew

By Steve Sailer

IN THE 1970s, billionaire Howard Hughes's name was as omnipresent as Donald Trump's is today, even though the paranoid recluse was never seen. Since then, Hollywood has treated Hughes's legend well, with Martin Scorsese's masterful 2004 film "*The Aviator*" delivering an admiring look at the early life of the engineer and movie mogul. Jonathan Demme's "*Melvin and Howard*," which won a couple of Oscars in 1980, offered a gentle, oblique perspective on the national nuttiness that followed Hughes's death in 1976, such as the "discovery" of 40-odd purported wills.

Now "*The Hoax*" rounds out cinematic Hughes lore with a comic biopic of novelist Clifford Irving, the scamster who brought the world's Howard Hughes obsession to a crescendo in 1971-72 when he extracted huge advances from the greedy and credulous New York publishing and magazine industries for *The Autobiography of Howard Hughes*. Irving claimed it was based on taped interviews with Hughes. In truth, Irving had never had any contact with Hughes, who in "*The Hoax*" appears only in documentary footage.

"*The Hoax*" isn't in the same class as "*The Aviator*" and "*Melvin and Howard*,"

but it's significantly better than typical April releases. As Irving, Richard Gere, who normally competes with Bruce Willis for the title of Most Morose Star, revives much of the energy and charm that made him a delight in the under-rated 1983 American remake of Godard's "*Restless*." Now 57, Gere is still credible as the 40-year-old Irving. Indeed, in "*The Hoax*," Gere looks a lot like former leading man Alec Baldwin did at age 35, which might explain why Gere is still a name-above-title star, while Baldwin had merely a character role as a villain in "*The Aviator*."

Irving purloined a copy of an unpublished manuscript by Hughes's business manager, Noah Dietrich. This provided his project with some minimal verisimilitude, which Irving embroidered with sheer effrontery. It's always fun watching a good actor like Gere play a con man who must improvise ever more barefaced concoctions to parry each challenge to his credibility.

It's even more entertaining to see an excellent actor like Alfred Molina portray an inept liar. In "*The Hoax*," Molina plays Irving's Sancho Panza, researcher Dick Susskind, a man more at home digging up facts than retailing fabrications. In meetings with McGraw-Hill brass suspicious of the duo's honesty, he stares bug-eyed and sweats as he tries not to forget the simple bit of business Irving assigned him, only to blurt out at the most disturbing moment, "Howard Hughes gave me a prune!"

Director Lasse Hallström and screenwriter William Wheeler have included in their press notes an unusually frank list of what's fictional in "*The Hoax*." What they don't reveal, however, is more interesting: how they've reworked Irving, the perfect 1970s antihero, to make him more sympathetic to 21st-century audiences.

Today's moviegoers admire marital stability, so "*The Hoax*" forgets to mention that Irving's wife Edith, who eventually went to jail for trying to cash the publisher's advance check to "H.R. Hughes" under the name "Helga R. Hughes," was his fourth. Contemporary Americans especially dislike adultery by parents, so Irving's two small children with Edith were written out of the picture. In the film, Irving cheats on Edith once with the folk-singing Danish baroness and movie starlet Nina Van Pallandt and bitterly regrets his moral slip. The real Irving, however, was using his supposed meetings with Hughes abroad to cover frequent vacations with his mistress.

Exciting more controversy is the film's claim that Irving's fake autobiography helped inspire the Watergate break-in at the headquarters of Democratic National Committee Chairman Larry O'Brien, who, possibly not coincidentally, had been Hughes's chief lobbyist.

While overstated, this is not wholly implausible. Nixon had several shady links to Hughes, such as the tycoon's unsecured \$205,000 loan to his brother Donald's Nixonburger restaurant chain. Nixon believed the revelation of this dubious deal may have cost him the exceedingly close 1960 election. A decade later, according to his chief of staff, H.R. Haldeman, Nixon was irrationally obsessed with plumbing the relationship between Hughes and O'Brien.

The truth is that we still don't really understand Watergate, mostly because, in sharp contrast to the JFK assassination, the media haven't been all that interested in finding out precisely what happened. The good guys won and bad guys lost, they reason, so why bother with details that might muddy the glorious memory? ■

Rated R for language and nudity.

BOOKS

[*A Photographer's Life: 1990-2005*, Annie Leibovitz, Random House, 472 pages]

Portrait of the Artist

By Kelly Jane Torrance

ANNIE LEIBOVITZ is almost as famous as the celebrities she displays: her name inevitably conjures up countless iconic images created over a 37-year career. The photographer recently claimed the first and second spots when the American Society of Magazine Editors voted on the best magazine images of the last four decades. (First was the *Rolling Stone* cover of a naked John Lennon curled around a clothed Yoko Ono, taken the day the musician was murdered. Second was a pregnant—and naked—Demi Moore on the cover of *Vanity Fair*.) When a controversial cover is published, the sex appeal of a celebrity splashed over the page, the first thing that comes to everyone's mind is: looks like a Leibovitz.

Photographs—like Leibovitz's recent shots of Tom Cruise and Katie Holmes's daughter Suri—help feed our appetites for details of the private lives of the stars. But unlike most of the celebrities whose lives she chronicles, Leibovitz's own life has remained hidden. That changed with the publication of her new book, *A Photographer's Life: 1990-2005*.

It's not so much Leibovitz who is revealed here, however, as it is those closest to her. There are few pictures of the photographer. But there are many revelatory photos of her family and, especially, of her lover.

The 15 years the book encapsulates correspond almost directly, Leibovitz writes in an introduction, with the time she spent with Susan Sontag. The critic and novelist, who died of cancer in 2004,

was the very definition of a public intellectual. But she kept her private life private. Sontag and Leibovitz never acknowledged their relationship to the press; the *New York Times* couldn't even get Sontag's son to confirm it for the obituary, though it was apparently common knowledge in New York intellectual circles. Now their life together—and some of its most intimate details—is splashed all over a highly publicized book. More controversially, so is Sontag's death. Leibovitz captures her lover ravaged by cancer in her final days and even as she lies dead. She photographed her father, who died just weeks after Sontag, in the same manner.

The images are as striking as they are shocking. "All photographs are memento mori," Susan Sontag wrote in her 1977 book *On Photography*. It's unlikely she imagined then that the difference between her lively intellectual self and her lifeless body would be captured between two covers.

A Photographer's Life is a rather odd sort of coffee-table book, combining in strange ways two of our ruling obsessions, celebrity and death. Vibrant pictures of A-list actors compete for our attention alongside scenes of genocide in Rwanda and the two-dimensional equivalent of death masks. Leibovitz's meandering introduction is not much help in sorting out the confusion. "I don't take a lot of purely personal pictures," she says, before writing that she considered making this a book of purely personal pictures. But she decided that a realistic chronicle of her life had to include both Susan Sontag and Scarlett Johansson. "I don't have two lives," she writes. "This is one life, and the personal pictures and the assignment work are all part of it."

One might almost think that her life is not so different from our own. The book is filled with the sort of pictures we all take, albeit of a rather better quality. There are family gatherings during Thanksgiving; beach vacations with nieces and nephews frolicking in the water; companions contemplating foreign grandeur; the death of loved ones and the birth of new ones.

But it doesn't take shots of Jack Nicholson to remind readers that Leibovitz's is no ordinary life. The photographer's work has provided her with more than just a household name; the book could be subtitled *Lifestyles of the Rich and Famous*. Few of us take holiday shots in Jordan, and even fewer stay there with the aid of Queen Noor and King Hussein. Many of the photos from Leibovitz's world travels feature tables in hotel rooms lavishly laid with top-quality room service. The effect is almost as opulent as a *Vogue* photograph of Nicole Kidman.

The personal is easily distinguished from the professional here. The personal is always black and white; the professional usually in glorious color. The personal is mostly candid; the professional often staged. But they're all Leibovitz. "I began calling myself a portrait photographer because it lent a kind of dignity to shooting well-known people," she says in the introduction, in what may strike many as a pretentious remark. But Leibovitz might actually be selling herself short. This photographer traffics in fantasy. Her photographs of celebrities don't just capture personalities, they create personae.

Her personal photographs do too. Leibovitz's large family—five brothers and sisters—seems to have served as an inspiration for the visual artist. Her mother comes across as a particular character, and Leibovitz has captured her in many moods, from pensive to exuberant. Marilyn Leibovitz was a dancer, and she seems unable to keep from moving. Walking on the beach with her grandson, she kicks her leg in the air with a comical grace. It's hard to resist the feeling that we know something of this woman after seeing her in these photos. That's a dangerous feeling, of course, but one a book like this practically forces upon the reader. I couldn't help wondering, for example, why Susan Sontag doesn't appear in a single photograph taken at Leibovitz family gatherings. Did the photographer compartmentalize her life? Or did Sontag and Leibovitz's insistence on privacy extend even to their loved ones?

No one is a bigger character in this book, after all, than Susan Sontag. There is a photograph of Sontag placed before the book's introduction that says much about her. She's called simply "Susan" in the title. She's in Milan but dressed completely unfashionably, with a pair of white sneakers that, judging from other photographs, were omnipresent. A typewriter sits unobtrusively in the corner. She's lying on a bed with sheets of paper and books, some in other languages. There's no room for her to do anything but curl up. The subject is a celebrity, but the picture is in great contrast to the other celebrity portraits in the book. Most were carefully considered, meant to declare the subject's role loudly: Jack Nicholson as Movie Star, Arnold Schwarzenegger as Uberman. But a quieter, candid photograph taken on a whim and without thought of publication reveals more of the subject's personality than a photograph staged to do just that.

Of course, Leibovitz's skill for making a staged photograph seem spontaneous makes one suspicious of what looks to be real. There's a picture Sontag took of Leibovitz, nude and eight months pregnant. It's reminiscent of that famous Demi Moore shot and perhaps purposely so. In the Moore shot, heavy makeup and a diamond as big as the Ritz reminded us—even if she wasn't wearing a shred of clothing—that the subject was a star. Here framed photographs in the background remind us that this naked woman, soon to be a mother, is also a photographer.

Leibovitz's love for Sontag is all over the pages. But one wonders what the woman who wouldn't publicly acknowledge their relationship would think of being so exposed. The revelations run from the small—a picture of the thinker sleeping—to the significant—Sontag taking a bath, a dying Sontag comatose in a hospital bed. Leibovitz's celebrity work invariably shouts, "Look at me!" But what do her no less focused pictures of family and friends, who seem to prefer private lives, say?

From the first picture of a nude Sontag sleeping, it's impossible not to feel like a

voyeur. That is somewhat tempered when one sees on the very next page topless self-portraits of Leibovitz. She's just as willing to reveal herself. And then you turn the page once again and see pictures of a fighter plane followed by Colin Powell and Norman Schwarzkopf, followed by those famous pictures of Demi Moore. The effect is dizzying. Perhaps it's meant to be. The array of images keeps one from focusing on the important thing that Leibovitz has done here.

A Photographer's Life is a confessional, and that's why it has proved controversial. Pictures have an immediacy that words never will. Confessional memoirs have caused trouble enough. But an image—evidence, not hearsay—of a person's most intimate secrets is on another level still. The Sontag that remained in most of our minds was an attractive young woman crowned by that trademark black hair with its decisive stripe. Leibovitz captures her entirely unrecognizable, her hair an old woman's closely cropped white.

The photographer anticipated anger. In her defensive introduction, she implies that she was carrying out the duty of an artist without even realizing it: "I forced myself to take pictures of Susan's last days." "I didn't analyze it then. I just knew I had to do it." "I was in a trance when I took the pictures of her lying there [dead]." Has she analyzed it since?

Perhaps no one has done more than Annie Leibovitz to make celebrities the gods of the 21st century. Her breathtaking photos inspire nothing less than worship. Perhaps *A Photographer's Life*, then, is to serve as a mea culpa. Nicole Kidman would never let Leibovitz photograph her as a real person, imperfect and just as subject to the ravages of age as the rest of us. But Sontag did, even if she never meant for the photos to be seen. Through her personal relationship with one professional contact—she met Sontag when she photographed her for a book cover—Leibovitz has succeeded in calling her entire career into question.

It's hard not to think Sontag herself led Leibovitz to this crossroads. Most of the

pictures in the book that might be called political were taken in Sarajevo during the war. Leibovitz went there with Sontag; it was a cause close to the writer's heart. She hints in the introduction that Sontag was a warm critic of her work and constantly pushed her to do more—to do something that mattered. But that's not Annie Leibovitz. Her Sarajevo pictures are beautiful and tragic. But lots of photo-journalists take similar pictures. No one else can do a Leibovitz portrait.

In her introduction, Leibovitz implies that she's merely an observational photographer, not an interactive one. But as anyone who flips through *Vanity Fair* knows, her work is some of the most staged photography done today. She contradicts herself on this score, as she does on so many others: "I'm not a journalist," she writes. "A journalist doesn't take sides, and I don't want to go through life like that. I have a more powerful voice as a photographer if I express a point of view."

She's certainly expressed many here. None are as important as the idea that death comes to all; fame can only grant metaphorical immortality. But that's not the kind that matters to most people, especially the friends and lovers of those who have died.

In the essay that opens this important book, Leibovitz seems conflicted about her career. "I feel a great affinity with him," she writes of 18th-century English landscape and portrait painter Wright of Derby. "I can see how you might want to turn your back on society and paint lakes and mountains." Leibovitz's landscapes are a bit dull. Her portrait work rarely is. Sometimes it's pretentious. Sometimes it's shocking. But it usually gets our attention. Rather than turning her back on society, Leibovitz should continue to embrace it. *A Photographer's Life* marks a new phase for our most famous celebrity chronicler. In an age when we're all starstruck, we need someone like her to bring us back down to earth. ■

Kelly Jane Torrance is fiction editor of Doublethink and an arts writer for the Washington Times.

[*The End of Alliances*, Rajan Menon, Oxford University Press, 272 pages]

Old Pacts & New Realities

By Doug Bandow

THE PUBLIC IS FOCUSED on Iran and Iraq, but in his new book, Rajan Menon looks beyond today's crises to argue that the U.S. "is in the early stages of a paradigm shift in grand strategy." He believes that America's alliance-based foreign policy will inevitably, if haphazardly, come to an end.

His argument is simple yet powerful. The disappearance of the post-World War II world has eliminated the *raison d'être* of Washington's major security commitments. Explains Menon, a professor at Lehigh University:

[O]ur alliances in Europe and Asia are dispensable. What's more, they have become impediments that inhibit creative strategic thinking at home, while infantilizing our partners who live under the American shadow. I reject the notion that the end of alliances will bring misfortunes. Forced to develop the strategies and capacities needed for their own security, America's allies will respond effectively. They lack neither the intelligence nor the means to do so; what they do lack, on account of their comfortable reliance on American power, is the will.

Old paradigms die hard. Pointing to the French and Soviet revolutions, as well as the collapse of the Soviet Union, Menon observes, "The forces that produced each of these transformations did not appear like thunderbolts; they had been at work for years, perhaps even decades, but were little noticed because they were screened out by the dominant intellectual frames of reference."

So it is with today's policy of promiscuous intervention. Containment ultimately worked: the U.S. and its allies won the Cold War. Unfortunately, this success has inhibited change. Explains Menon, "In light of containment's longevity and track record, it's not hard to see why there is such strong resistance to seeing the alliances with Western Europe, Japan, and South Korea as anything other than pivotal."

Policymakers are not stupid. They recognize that circumstances have changed. For Menon, what the foreign-policy establishment "does not, in the main, concede—because intellectual habits and bureaucratic routines are fertilized by familiarity—is that the new world threatens to make those alliances superfluous."

He recognizes that alliances are a legitimate policy tool and will remain relevant as long as states "must rely on their wits and resources to secure their safety, so long as there is no international analogue to national governments and police forces, and so long as there are revisionist regimes bent on remaking an existing order." Menon's point is that America's Cold War alliances no longer serve America's interests.

While the Cold War cemented internationalism, the U.S. had traditionally eschewed fixed security commitments. Thomas Paine argued that one reason to separate from Great Britain was to avoid involvement in Europe's wars. This approach dominated American policy for 150 years.

Menon does not view containment—particularly with regard to aggressive nation-building—as at all consistent with prior U.S. foreign policy: "The various permanent alliances, the magnitude of defense spending, the size and scale of the overseas military presence, the global scope of U.S. strategy, and the forces configured to allow the rapid projection of American power—these attributes of containment were not variations on an existing theme. They represented a revolution, not an evolution, in grand strategy and were both expansive and expensive." The attack on Pearl

Harbor permanently re-oriented American foreign policy, leading the United States to voluntarily entangle itself in the Old World's quarrels.

The keystone of Washington's alliance structure is the North Atlantic Treaty Organization, created to prevent Soviet domination of Western Europe. Writes Menon, "Because the cold war lasted for nearly half a century, most Americans cannot remember a time when the Atlantic alliance was not an essential item in our strategic toolkit or a staple of our foreign policy lexicon."

The dissolution of the Soviet Union and Warsaw Pact have eliminated the longstanding justification for NATO. Thus far, finding a new purpose has failed. Menon calls Iraq "the tie that did not bind." Despite applying enormous pressure on its European allies, Washington won precious little support for its invasion of Iraq.

Even in nations whose governments supported the Bush administration, the populations vigorously opposed American policy. So too in Donald Rumsfeld's famed New Europe. Menon exposes the enormity of the trans-Atlantic rift, observing,

It was not just the withdrawal of Spain and Italy that showed that Iraq-like "out-of-area" interventions will not provide a reliable rationale for NATO's continued existence. As the insurgency in Iraq intensified and successive predictions of its imminent demise by senior American officials were undercut by relentless suicide bombings, ambushes, assassinations, kidnappings, and sectarian slayings, other NATO members began leaving Iraq.

Despite his belief that America and Europe are parting ways, Menon in no way embraces Robert Kagan's platitude that "America is from Mars, Europe is from Venus." Confronting neocon demagoguery, Menon argues that European opposition to Washington reflected substantive disagreement, not Gallic whimsy. Moreover, he notes, today no

external pressure encourages members to set aside policy differences: "The new world contains a paradox. America's power stands unrivaled, but in the absence of the Soviet Union, Europe is freer than ever before to defy the United States, and will remain so."

Nor will alternative duties, such as fighting terrorism, substitute for Soviet communism. As Islamic populations continue to grow, the Europeans are likely to fear "a terrorist tide from within" in reaction to American foreign policy, writes Menon. He suggests that the hyper-Atlanticists—not the Europeans—are the ones living an illusion; American policy promotes "discord instead of concord."

MENON ADVOCATES "A ROBUST TRANS-ATLANTIC PARTNERSHIP BASED ON SOUND DIPLOMACY, IMAGINATION, AND WISDOM" IN PLACE OF "A MILITARY PACT."

Menon does not want to show Europe the door but instead advocates "a robust trans-Atlantic partnership based on sound diplomacy, imagination, and wisdom" in place of "a military pact."

He applies the same common-sense principles and ruthless logic to U.S.-Japanese relations. His analysis is succinct but sophisticated. There are many differences between Asia and Europe. The cracks in the Washington-Tokyo relationship "are fewer and less deep," Menon observes, but conditions still "are changing faster than either side is prepared to admit and are chipping away at its foundations."

Because the U.S. disarmed Japan, the two nations developed what Menon terms a "codependent" relationship. The United States guaranteed Tokyo's security while Japan developed economically and deployed "soft" economic power to advance America's security ends. That relationship is now changing.

Japan is increasingly uncomfortable with its pacifist postwar tradition. Frosty relations with China and fears of an unpredictable North Korea have generated concern in Tokyo. Moreover, observes Menon, "Japan's attitude toward national defense, the role of military

power, and the alliance is shifting because of changes within Japanese society."

So what is the U.S. still doing in Japan? Not only is Japan able to defend itself, it has no obligation to aid America, even in the Pacific. "Whatever the original justification, this inequity will cease to wear well on Americans," Menon notes.

He does a particularly nice job of dismantling the "'minimalism or militarism' dichotomy," which, he notes, "is both a caricature and a convenient rationalization for the United States and Japan to persist in the lazy practice of reenacting habits and routines that are increasingly becoming indefensible." The passing of

the U.S.-Japan alliance will be slower than NATO's—but its obsolescence is just as inevitable. Bilateral co-operation should be the goal, Menon writes, "an equitable partnership shorn of asymmetrical benefits and burdens."

Finally, there is the increasingly irrelevant commitment to South Korea. The relationship "served each government's interests well during the cold war and mirrored America's alliances with Europe and Japan in this respect," Menon writes, but geopolitical circumstances have changed dramatically.

Behind Washington's defense shield, the Republic of Korea has developed economically and politically as the strategic environment has turned irrevocably against the North. As a result, notes Menon: "The conditions that supported an alliance between successive American and Korean governments and that both sides found mutually advantageous have disappeared, as they have in the case of NATO and the U.S.-Japan defense treaty."

Changing South Korean public opinion is equally significant: "anti-American sentiment has gained ground in South Korea in the aftermath of the Cold War, and is now embedded in the body

politic," Menon writes. Increasingly, South Koreans don't feel threatened by the North and don't want to be defended by the United States.

Nevertheless, the U.S.-ROK alliance remains essentially unchanged. Arguments about the need to defend South Korea and stabilize East Asia are repeated and recycled, despite their flagrant falsity. Alliance advocates have attempted to concoct new duties even though, as Menon explains, "the new missions offered to ensure its relevance lack support among South Koreans and will, in fact, create tensions between the two allies."

American troops remain on the Korean peninsula, and the foreign-policy establishment remains an immovable obstacle to change. Menon writes, "The indispensability of the alliance is so rarely disputed within the American foreign policy community that contrarians have been relegated to a 'voice in the wilderness' status."

The End of Alliances is an insightful work. Menon is no isolationist. He backs the invasion of Afghanistan; urges maintenance of the balance of power to constrain China; and advocates multilateral co-operation, including foreign aid.

Nor does he doubt the utility of alliances. Rather, he contends that their value depends upon circumstances. Simply put, Washington's major military partnerships no longer serve their original purposes.

Almost all of the logic of the Cold War no longer makes sense. Menon concludes, "It's time for America to stop being a nanny state and for our wards, now among the richest, most advanced places on earth, to fend for themselves." The U.S. should pursue global engagement rather than national isolation. But that means nuanced involvement tailored to American interests rather than reckless intervention tied to antiquated alliances. ■

Doug Bandow is a former Special Assistant to President Ronald Reagan and the author of several books, including Foreign Follies: America's New Global Empire.

[Thomas Hardy, Claire Tomalin, Penguin, 486 pages]

Making Much of Thomas Hardy's Well-Beloved

By James Bowman

THE POSTHUMOUS reputation of the English novelist and poet Thomas Hardy (1840-1928) has continued to grow since his death almost 80 years ago. Nowadays, the author of *Far from the Madding Crowd*, *The Return of the Native*, *Tess of the d'Urbervilles*, and *Jude the Obscure* is in the popular view a bona fide Victorian G.O.M. (Grand Old Man) right up there with Dickens and Thackeray. Meanwhile, to the cognoscenti and literary critics who still look down their noses a bit at the novels, he is known as the first great poet of the 20th century and, if the late Donald Davie is to be believed, the most influential of them all.

According to Claire Tomalin, the central event in Thomas Hardy's life was the death of his first wife, the former Emma Gifford, in November 1912: "This is the moment when Thomas Hardy became a great poet." Hardy was 72 years old at the time and already celebrated throughout the English-speaking world as both a novelist and a poet, and yet, in Tomalin's reading, "it was the death of Emma that proved to be his best inspiration."

This is not an observation that is original to her, but in her new biography, *Thomas Hardy*, she is determined to make more of it than anyone else has. As a result, her book is more a biography of a marriage than a man — as were her earlier accounts of Mary Wollstonecraft and William Godwin, Dora Jordan and King William IV, and Nelly Ternan and Charles Dickens.

The trouble is that she has little to work with—except, of course, for the

"Poems of 1912-13," about which she has some interesting things to say. But even these works that were written around the time of Emma's death don't have much to tell us about the marriage. The marriage has even less to tell us about the poems.

Like most married couples of the Victorian era, Thomas and Emma did not talk or write about their relationship, even to intimates, and poor Miss Tomalin is reduced to picking up what she can from a stray remark or, often, what was not found where it would be expected. Tomalin's interpretation often seems strained. Of Emma's diary of their honeymoon trip to Paris, for instance, she writes: "Emma was a naïve diarist, responsive to what she saw and fluent in a scatter-brained way. She makes you smile, sympathetically ... but from our point of view she fails to seize her great opportunity—she might have been honeymooning with anyone, Hardy's presence being barely mentioned."

How inconsiderate of Emma not to have thought, in the course of observing French manners in the 1870s, of the difficulties her reticence about her marriage would cause her husband's biographer in the next century. Just look at what it makes her do when she comes to the point of having to describe the wedding:

[I]f Emma looked beautiful with the soft, sunny light on her wedding dress, if she even wore a special dress, these things went unrecorded. Their happiness at being together at last after four and a half years of being in love and apart must be assumed. ... Whether both of them, having defied their parents, had regretful thoughts for them on the day, and whether lovemaking, at last licensed, was awkward for them, as for most newly married innocents, we shall never know.

Indeed! Her guesses on the matter are, presumably, as good as mine. My heart goes out to her in her struggles

with the mystery of the Hardys' marital intimacy. For instance, she tells us that 1899 was the year when the bicycle journeys Emma shared with "Tom" must have brought them closer together than ever. One long ride in August of that year "suggests camaraderie and shared enjoyment." But then on the same page, 1899 is mentioned as the year when Emma moved into her own bedroom in the attic.

At any rate, it's pretty hard for her to convince the reader that her scenes of bicycle rides offer many insights on the great poet.

The one thing we do know for certain is that Emma was bitter about the fact that, when Hardy was writing *Jude the Obscure* (1895), he sought the advice of his friend and admirer, the aristocratic Florence Henniker, rather than her own. She regarded this as revealing his potential unfaithfulness.

When the novel was attacked on publication as "Jude the Obscene," it must have given her a certain satisfaction, and probably a grievance for life. Soon she was observing that, in spite of what were regarded as her husband's "advanced" views, his interest in her pet cause of women's suffrage "was 'nil' and that he cared only about the women he invented."

At any rate, it suited Hardy himself to believe that he had wronged his wife; though he thought this only after her death when he imagined his misdeed as a precondition for falling in love with her again—the moment she was unobtainable. Such a romantic story! No wonder Miss Tomalin invests all her biographical capital in it.

It may even be true. But I would have preferred if she had evinced just a bit of skepticism here, as she occasionally does elsewhere. At one point she mentions the scene in *Jude* in which we find the hero "looking through his straw hat as the sun shines through it and thinking, 'If only he could prevent himself growing up! He did not want to be a man.'" This is exactly how Hardy describes his own experience as a boy in his memoirs. Tomalin wonders at it:

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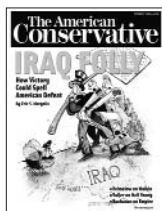
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"The oddity is that he transposes the thought of a boy who had no conscious reason to be unhappy or to fear growing up into the mind of one who was already unhappy and had good reason to approach adult life with small enthusiasm. Hardy appears to be reinventing his childhood and making it worse."

Characteristically, she speculates about what specific sorrow might have caused this, but she acknowledges that "a retrospective blight cast across his life is a very Hardyesque possibility."

Just so. Nothing odd about it, really. He seems to have always re-imagined his life as worse than it was. Why should we suppose that his marriage was any exception? The idea of the boy who doesn't want to grow up sounds oddly up-to-date in our era of perpetual adolescence and may not be unrelated to those "advanced" views of his in novels that an unkind reader might characterize as enshrinements of adolescent self-pity.

This, after all, is the problem with Hardy's novels; Claire Tomalin wrestles with it as everyone must. Critics, she acknowledges, have been "disturbed" by them because Hardy "seemed to suggest that human beings might be brought down by malignant forces at work in the world, using their power to turn things to evil." Now, where might the critics have got an idea like that? Maybe from that famous moment at the end of *Tess of the d'Urbervilles* when, after the death of his heroine, Hardy comments that "'Justice' was done, and the President of the Immortals, in the Aeschylean phrase, had ended his sport with Tess." To her credit, Miss Tomalin doesn't buy Hardy's own explanation of the line:

When he was attacked for it, he explained that "the forces opposed to the heroine were allegorized as a personality and that this was 'not unusual in imaginative prose or poetry.'" To suggest that readers should see that "the President of the Immortals" is meant only to symbolize the forces of society that

brought Tess down will not do as a defense. There is something more there, something that makes sport with her sufferings, and making sport with suffering is cruelty.

It is one of the few times that this biographer is prepared to level such a charge against the poet. There should be more. More often she apologizes for the almost unbelievable letter of consolation that Hardy sent to his friend, the novelist H. Rider Haggard, on the death of his ten-year-old son, which expressed "sympathy with you in your bereavement. Though, to be candid, I think the death of a child is never really to be regretted, when one reflects on what he has escaped."

Here, as in so many other places, we ought to be able to see that there was always something of the village atheist about Hardy, and he delighted in shocking others with his "free-thinking" ways. This game works best when there is not too much in the way of political radicalism or the more dangerous sorts of free-thinking which this biography and others fault him for avoiding. No, if you really want to shock people, keep up the normal appearances of life, go to church and vote Conservative, as Hardy did, while advertising your belief that "philosophers seem to start wrong; they cannot get away from a prepossession that the world must somehow have been made to be a comfortable place for man"—or that "this planet does not supply the materials for happiness to higher existences [meaning humans]. ... Other planets may, though one can hardly see how." The really remarkable thing is that such celebrity posturing as the great World-Sufferer should prove not inconsistent with the production of some truly great poetry. Now there's a mystery that a biographer ought to be able to get her teeth into. ■

James Bowman, a Resident Scholar at the Ethics and Public Policy Center in Washington, D.C., is the author of Honor: A History.

La Belle France



“Last Chance For France” cries the London *Spectator* in a cover story, which means that *tout va bien* in the land of cheese. The Anglo-Saxons

have been predicting the end of France since time immemorial, but if I were a Brit I’d worry more about what is taking place in my own backyard and leave the French to their mistresses, their wonderful culture, and the fact that France is a far more civilized country to live in than old Blighty.

I was recently in Washington for a speech, and ended it by saying that the next time someone says something rude about the French they should be reminded that at least the Frogs executed their Fifth Columnists after the war, which is more than we Americans are about to do to the neocons. It got a good laugh.

The French, whether one likes them or not—and I do—run rings around the rest of us where social interaction is concerned. To be French is to be well educated and civilized. Two summers ago, in a camp near St. Tropez where I had gone jogging, I watched and listened to teenage boys playing a soccer match. What struck me was the lack of swear words between 15-year-olds giving it their all. Compare this with an English pick-up game in Hyde Park, where the F-word is the only word one hears, or its equivalent basketball game in Central Park—and weep.

Better yet, as Theodore Dalrymple writes in the *Spectator*, “mass public drunkenness as the highest form of entertainment seems scarcely to exist.” French everyday culture is less crass and vulgar than ours and certainly superior to that of Blair’s Britain. People still take three-hour lunches, especially in small towns; women do not walk around with

bottles of water attached to their mouths; and television programs tend to cover books and the arts more than the sexual antics of Britney Spears or Paris Hilton.

The French trains not only run on time, they also go very, very fast. The TGV takes me from Lausanne to Paris in two and a half hours, is extremely comfortable and clean, and serves a perfectly good meal. Compare that with the D.C. shuttle and shed a tear.

I remember when I was living in Flambertin des Creppières, a small hamlet west of Paris with an admittedly pretentious name, listening to two butchers argue about Camus. They had both obviously read him, but it was their evocation of the other writers to whom they compared him that left me breathless. After they finished their wine, they shook hands and went back to slicing up chickens and lambs.

FRENCH EVERYDAY CULTURE IS LESS CRASS AND VULGAR THAN OURS.

And there’s something else, uniquely French where women are concerned. French women are as promiscuous as, say, Americans, Germans, or Italians, but with a difference. Not one lady in a hundred would quit the husband she deceives for the lover whom she adores. That to me is what being civilized is all about.

Which brings me to the French mistress, *la régulière*, as she’s called. The Frenchman informs her of everything, state secrets and all. There exists between the sexes a habitual communication. The French mistress speaks,

reflects, and decides on everything, from the most frivolous to the most important. But when was the last time you read of a political scandal where the ex-mistress had spilled the beans? It has never happened. When the present presidential frontrunner, Nicolas Sarkozy, broke up with his wife a couple of years ago, she was photographed by *Paris Match* with her alleged lover. Sarkozy stayed put with his mistress. Both women stayed as quiet as an Indian tomb. The French press didn’t even try to ask what was going on. It was none of their business, and 60 million French knew it. Giscard, Mitterand, and Chirac, the last three presidents, have had more mistresses between them than the Clintons have billionaire Hollywood friends, yet none of them have ever talked, written, or gossiped about their relationships with *le numero un*.

Yes, France is in deep economic and Muslim trouble, but that’s the fault of politically correct politicians. My friend Jean-Marie Le Pen is running for the last time, but he will not make it because of

the united front against him by the rest of the hypocrites running for president. Ségolène Royal is shallow, a populist and a phony. Sarkozy I trust less than I can throw him as he’s very small in stature. Bayrou is an unknown quantity who will keep things as they are, and they are not very good where the country’s finances are concerned.

Le Pen is the only man who can stop the onslaught of Muslim immigration, but it is not to be. (He will, of course, one day when the you-know-what hits the fan, be called a visionary and a great Frenchman). *A toute de suite*, as they say. ■

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